



California Regulatory Notice Register

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SEPTEMBER 16, 2005

PROPOSED ACTION ON REGULATIONS

TITLE 1. OFFICE OF ADMINISTRATIVE LAW	<i>Page</i>
<i>Enforcement of the Rulemaking Provision of the Administrative Procedure Act—Notice File No. Z05-0906-11...</i>	1311
TITLE 2. FAIR POLITICAL PRACTICES COMMISSION	
<i>Conflict of Interest Code—Notice File No. Z05-0906-01.....</i>	1312
Sacramento Municipal Utility District	
TITLE 5. BOARD OF EDUCATION	
<i>Physical Fitness Test (PFT)—Notice File No. Z05-0906-03</i>	1313
TITLE 12. DEPARTMENT OF VETERANS AFFAIRS	
<i>Veterans Service Office Fund Distribution—Notice File No. Z05-0906-07.....</i>	1316
TITLE 13. DEPARTMENT OF MOTOR VEHICLES	
<i>Financial Responsibility-Restricted License—Notice File No. Z05-0901-01</i>	1318
TITLE 14. FISH AND GAME COMMISSION	
<i>Herring Permit Transfer Fee—Notice File No. Z05-0906-08</i>	1320
TITLE 14. FISH AND GAME COMMISSION	
<i>Sport Fish and Hunting Tags and Applications—Notice File No. Z05-0906-09.....</i>	1323
TITLE 16. BOARD OF BARBERING AND COSMETOLOGY	
<i>Preapplication Apprentice—Notice File No. Z05-0901-02.....</i>	1324
TITLE 16. MEDICAL BOARD OF CALIFORNIA	
<i>International Medical Schools; Prospective Recognition—Notice File No. Z05-0906-06</i>	1326
TITLE 25. CALIFORNIA HOUSING FINANCE AGENCY	
<i>Board Procedure; Multi-Family: Mortgage and Bond Insurance—Notice File No. Z05-0906-10.....</i>	1327

(Continued on next page)

*Time-
Dated
Material*

GENERAL PUBLIC INTEREST

AIR RESOURCES BOARD

Notice of Recalendaring of Rulemaking Action Regarding Adoption of Emission Standards and Test Procedures for New 2007 and Later Off-Road Large Spark-Ignition (LSI) Engines and Fleet Requirements for Users of Off-Road LSI Engines..... 1331

DEPARTMENT OF FISH AND GAME

CESA Consistency Determination for Opah Ditch Aggregate Mine, San Bernardino County 1331

DEPARTMENT OF FISH AND GAME

Study of San Francisco Garter Snake 1332

STATE PERSONNEL BOARD

Discovery in Evidentiary Hearings 1333

STATE PERSONNEL BOARD

Whistleblower Retaliation Complaint Procedures 1334

DECISION NOT TO PROCEED

AIR RESOURCES BOARD

Decision Not to Proceed with Exhaust Emission Standards for New Heavy-Duty Diesel Engines Published in the September 2, 2005, CRNR, Register No. 2005, 35Z..... 1334

SUMMARY OF REGULATORY ACTIONS

Regulations filed with the Secretary of State..... 1334

Sections Filed, April 13, 2005 to September 7, 2005..... 1336

The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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PROPOSED ACTION ON REGULATIONS

Information contained in this document is published as received from agencies and is not edited by the Office of State Publishing.

TITLE 1. OFFICE OF ADMINISTRATIVE LAW

NOTICE OF PROPOSED RULEMAKING
AMENDMENT TO TITLE 1, CA CODE OF
REGULATIONS REGARDING ENFORCEMENT
OF THE RULEMAKING PROVISIONS OF THE
ADMINISTRATIVE PROCEDURE ACT—
(GOV. CODE 11340 *et seq.*)

NATURE OF PROCEEDING

NOTICE IS HEREBY GIVEN that the Office of Administrative Law (OAL) is proposing to take the action described in the Informative Digest.

A public hearing regarding this proposal is not currently scheduled. However, any interested person or duly authorized representative may request, no later than 15 days prior to the close of the written comment period that a public hearing be scheduled.

Following the public hearing, if one is requested, or following the written comment period, if no public hearing is requested, the Office of Administrative Law, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify the proposals if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Notice is also given that any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the

Office of Administrative Law
300 Capitol Mall, Suite 1250
Sacramento CA 95814

Comments may also be submitted by facsimile (FAX) at (916) 323-6826 or by e-mail to staff@oal.ca.gov. Comments must be submitted prior to 5:00 p.m. on November 4, 2005.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Sections 11342.4 and 11349.1(c) of the Government Code, and to implement, interpret or make specific Sections 11340.5, 11346.1, 11349.1, 11349.3, and 11349.6 of the Government Code, the Office of Administrative Law is considering changes to Division 1 of Title 1 of the California Code of Regulations as follows: 1) Adoption of Section 50 to make specific the requirements for a Finding of Emergency submitted to the Office of Administrative Law in connection with the adoption of emergency regulations; 2) Amendment of Section 55 to modify the procedures used by the Office of Administrative Law in the review of emergency regulations; and 3) Adoption of Chapter 2, to implement, interpret, and make specific Section 11340.5 of the Government Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The broad objectives of this proposal is to provide guidance to state agencies regarding the adoption of emergency regulations, to improve the efficiency of OAL review of emergency regulations, and to clarify the process by which the prohibition against underground regulations is administratively enforced.

The Administrative Procedure Act (APA, Government Code section 11340 *et seq.*) requires all regulations adopted by state agencies, including emergency regulations, to be adopted pursuant to specified procedures. The proposed regulations would enact implement, interpret, and make specific the provisions of the APA prohibiting agencies from employing rules not adopted pursuant to APA procedures (underground regulations) and governing adoption and approval of emergency regulations. Specifically, the proposal would:

1. Establish of specific content requirements for a finding of emergency submitted to the OAL by a state agency in support of adopted emergency regulations;
2. Clarify and simplify the regulation governing OAL consideration of public comments in connection with its review of emergency regulations; and
3. Establish of procedures that will be employed by the OAL in exercising its authority under Government Code 11340.5 to enforce the law prohibiting state agencies from employing underground regulations.

There are no comparable provisions of federal law related to this proposal.

LOCAL MANDATE

This proposal does not impose a mandate on local agencies or school districts.

FISCAL IMPACT ESTIMATES

This proposal does not impose costs on any local agency or school district for which reimbursement would be required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. This proposal does not impose other nondiscretionary cost or savings on local agencies. This proposal does not result in any cost or savings in federal funding to the state.

COSTS OR SAVINGS TO STATE AGENCIES

It is anticipated that any additional costs to state agencies will be absorbed within their existing budgets and resources.

BUSINESS IMPACT/SMALL BUSINESSES

The OAL has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposal would impose no costs upon business. The proposal does not affect small businesses as defined by section 11342.610. The provisions of this proposal regarding emergency regulations apply only to state agencies and would have no impact upon private sector businesses. The provisions regarding underground regulation affect a private sector business only if it voluntarily chose to petition the OAL.

**ASSESSMENT REGARDING EFFECT ON
JOBS/BUSINESSES**

The OAL has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

**COST IMPACTS ON REPRESENTATIVE
PERSON OR BUSINESS**

The OAL is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

EFFECT ON HOUSING COSTS

None

ALTERNATIVES

The OAL must determine that no reasonable alternative considered by the agency, or that has otherwise been identified and brought to the agency's attention, would be more effective in carrying out the purpose for which the adoption of this regulation is proposed, or would be as effective as and less burdensome to affected private persons than the proposed action.

CONTACT PERSONS

Inquiries concerning the proposed adoption of this regulation and written comments may be directed to:

Bill Gausewitz, Director
Office of Administrative Law
300 Capitol Mall, Suite 1250
Sacramento, CA 95814
(916) 323-6221

or

Linda Brown, Deputy Director
Office of Administrative Law
300 Capitol Mall, Suite 1250
Sacramento, CA 95814
(916) 323-8915

**INITIAL STATEMENT OF REASONS
AND INFORMATION**

The OAL has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Office of Administrative Law at 300 Capitol Mall, Suite 1250 Sacramento, CA 95814. These documents may also be viewed and downloaded from the OAL web site at www.oal.ca.gov.

**AVAILABILITY AND LOCATION OF THE
FINAL STATEMENT OF REASONS
AND RULEMAKING FILE**

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named above.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named above

WEBSITE ACCESS

Materials regarding this proposal can be found at www.oal.ca.gov.

**TITLE 2. FAIR POLITICAL
PRACTICES COMMISSION**

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303 and 87304 of the Government Code to review proposed conflict of interest codes, will review the proposed/amended conflict of interest codes of the following:

CONFLICT OF INTEREST CODES

ADOPTION/AMENDMENT

SACRAMENTO MUNICIPAL UTILITY DISTRICT (SMUD)

A written comment period has been established commencing on **September 16, 2005** and closing on **October 31, 2005**. Written comments should be directed to the Fair Political Practices Commission, Attention Teri Rindahl, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict of interest code(s) will be submitted to the Commission's Executive Director for his review; unless any interested person or his or her duly authorized requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director or the Commission will review the above-referenced conflict of interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director or the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict of interest code(s). Any written comments must be received no later than **October 31, 2005**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict of interest code(s) should be made to Teri Rindahl, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

AVAILABILITY OF PROPOSED CONFLICT OF INTEREST CODES

Copies of the proposed conflict of interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Teri Rindahl, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

TITLE 5. BOARD OF EDUCATION

NOTICE OF PROPOSED RULEMAKING

Physical Fitness Test (PFT)

The State Board of Education (State Board) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

PUBLIC HEARING

California Department of Education staff, on behalf of the State Board, will hold a public hearing beginning at **9:00 a.m. on November 2, 2005**, at 1430 N Street, Room 1801, Sacramento. The room is wheelchair accessible. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The State Board requests that any person desiring to present statements or arguments orally notify the Regulations Coordinator of such intent. The State Board requests, but does not require, that persons who make oral comments at the hearing

also submit a written summary of their statements. No oral statements will be accepted subsequent to this public hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Regulations Coordinator. The written comment period ends at **5:00 p.m. on November 2, 2005**. The State Board will consider only written comments received by the Regulations Coordinator or at the State Board Office by that time (in addition to those comments received at the public hearing). Written comments for the State Board's consideration should be directed to:

Debra Strain, Regulations Coordinator
LEGAL DIVISION
California Department of Education
1430 N Street, Room 5319
Sacramento, CA 95814
Telephone: (916) 319-0860
E-mail: dstrain@cde.ca.gov
FAX: (916) 319-0155

AUTHORITY AND REFERENCE

Authority: Sections 33031 and 60605, Education Code.

Reference: Sections 49061, 60603, 60608, 60615, 60800, Education Code; 20 USC section 1232g.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The State Board proposes to adopt amendments to sections 1040 to 1047 in title 5 of the California Code of Regulations (CCR). These sections concern the administration of the physical performance test that is required of each pupil in grades 5, 7 and 9 by Education Code section 60800. Education Code sections 33031 and 60605 authorize the State Board to adopt regulations to implement, interpret and make specific these requirements.

Assembly Bill (AB) 265, was enacted in October 1995 to establish the Physical Fitness Test. Senate Bill (SB) 896, approved in 1998 further required the California Department of Education to report results to the Governor and the Legislature. Section 60800 of the Education Code was amended in January 2003 to allow the month of February to be added to the existing months of March, April and May for the administration of the Physical Fitness Test. In addition, the previously adopted regulations for the Physical Fitness Test have not been revised to reflect changes to the statutes that occurred after 1989, thus existing regulations were reviewed in total to ensure that all sections are consistent with each other, as well

as consistent with the other state tests' regulations and to address new issues and the new amendments to section 60800.

The purpose of the proposed regulations is to guide school districts and schools in the administration of the Physical Fitness Test, including but not limited to definitions, test administration, data requirements and testing variations, accommodations and modifications for students with exceptional needs.

The *Physical Education Model Content Standards for California Public Schools*, adopted by the State Board of Education (SBE) in January 2005, represent the content of the discipline of physical education and include the essential skills and knowledge students will need to be physically active throughout their lifetimes.

The standards define specific physical education content for each grade level, kindergarten through grade twelve, in these categories:

- Motor skill development.
- Knowledge of movement concepts, principles, and strategies.
- Development and assessment of physical fitness.
- Knowledge of physical fitness concepts, principles, and strategies.
- Demonstration and implementation of psychological and sociological concepts, principals, and strategies.

Two content areas, development and assessment of physical fitness and knowledge of fitness concepts, principles, and strategies, are aligned with the philosophies and protocols of the *FITNESSGRAM*® at grades five, seven, and nine.

Section 1040 provides definitions. Section 1041 addresses requirements of the physical fitness test. Section 1042 is being repealed because there is no statutory authority for allowing this. Section 1043 specifies methods of administration. Section 1043.2 describes appropriate training for test examiners. Section 1043.4 addresses the responsibilities of the districts physical fitness test coordinator. Section 1043.6 provides the required data for analysis. Sections 1043.8, 1043.10 and 1044 describe reporting and recording of test scores and results. Sections 1045 and 1046 are being repealed because there is no statutory authority for allowing this. Section 1047 provides for testing variations and accommodations for eligible pupils. Section 1048 addresses testing variations available to English learner pupils.

INCORPORATION BY REFERENCE

This regulation incorporates by reference the *FITNESSGRAM*®, the *Matrix of Test Variations, Accommodations, and Modifications for Administration of California Statewide Assessments (Matrix)*, and

the FITNESSGRAM/ACTIVITY GRAM. A copy of the *FITNESSGRAM*® is available on the California Department of Education's Web site at

<http://www.cde.ca.gov/ta/tg/pf/documents/healthfitzones.pdf>;

the *Matrix* can be found at

<http://www.cde.ca.gov/ta/tg/sa/documents/matrix5.pdf>;

and a copy of the Third Edition FITNESSGRAM/ACTIVITYGRAM may be obtained from the Regulations Coordinator.

DISCLOSURES REGARDING THE PROPOSED ACTION

The State Board has made the following initial determinations:

Mandate on local agencies and school districts: None

Cost or savings to any state agency: None

Costs to any local agency or school district which must be reimbursed in accordance with Government Code section 17561: None

Other non-discretionary cost or savings imposed on local educational agencies: None

Cost or savings in federal funding to the state: None

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None

Cost impacts on a representative private person or businesses: The State Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Adoption of these regulations will not:

- (1) create or eliminate jobs within California;
- (2) create new businesses or eliminate existing businesses within California; or
- (3) affect the expansion of businesses currently doing business within California.

Significant effect on housing costs: None

Effect on small businesses: The proposed regulations would not have a significant adverse economic impact on any business because they relate only to local school districts and not to small business practices.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the State Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the State Board, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The State Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Inquiries concerning the substance of the proposed regulations should be directed to:

Debbie Vigil, Education Programs Consultant
Standards and Assessment Division
California Department of Education
1430 N Street, Room 5408
Sacramento, CA 95814
Telephone: (916) 319-0341
E-mail: dvigil@cde.ca.gov

Requests for a copy of the proposed text of the regulations, the Initial Statement of Reasons, the modified text of the regulations, if any, or other technical information upon which the rulemaking is based or questions on the proposed administrative action may be directed to the Regulations Coordinator, or to the backup contact person, Connie Diaz, at (916) 319-0860.

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Regulations Coordinator will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at her office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this Notice, the proposed text of the regulations, and the initial statement of reasons. A copy may be obtained by contacting the Regulations Coordinator at the above address.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the public hearing and considering all timely and relevant comments received, the State Board may adopt the proposed regulations substantially as described in this notice. If the State Board makes modifications that are sufficiently related to the originally proposed text, the modified text (with changes clearly indicated) will be available to the public for at least 15 days before the State Board adopts the regulations as revised. Requests for copies of any modified regulations should be sent to the attention of the Regulations Coordinator at the address indicated above.

The State Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, a copy of the Final Statement of Reasons may be obtained by contacting the Regulations Coordinator at the above address.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Rulemaking, the Initial Statement of Reasons, the text of the regulations in underline and strikeout, and the Final Statement of Reasons, can be accessed through the California Department of Education's website at <http://www.cde.ca.gov/re/lr/tr/>.

REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY

Pursuant to the *Rehabilitation Act of 1973*, the *Americans with Disabilities Act of 1990*, and the *Unruh Civil Rights Act*, any individual with a disability who requires reasonable accommodation to attend or participate in a public hearing on proposed regulations, may request assistance by contacting Debbie Vigil, Standards and Assessment Division, 1430 N Street, Sacramento, CA, 95814; telephone, (916) 319-0341; fax, (916) 319-0967. It is recommended that assistance be requested at least two weeks prior to the hearing.

TITLE 12. DEPARTMENT OF VETERANS AFFAIRS

NOTICE OF INTENT TO AMEND VETERANS SERVICE OFFICE FUND DISTRIBUTION CODE

NOTICE IS HEREBY GIVEN that the Department Of Veterans Affairs (Department) proposes to amend Section 453.1 of Title 12 of the California Code of Regulations. This proposal is made pursuant to the authority vested by Military and Veterans Code section 700 (Department of Veterans Affairs) and to implement, interpret, and make specific Military and Veterans Code sections 972 and 972.2 as affected by new, ongoing appropriations enacted in the Budget Act of 2005. This proposal is intended to establish allocation and distribution rules for funds appropriated specifically to support continuing education for County Veterans Service Offices and to correct language that conflicts with the annual Budget Act.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Current state law (Military and Veterans Code Section 972) requires the Department to pay each county, with an appointed county veterans service officer, a portion of its costs associated with the operation of a county veterans service office from state

moneys available for that purpose. Additionally it requires the department to determine the amount to be distributed, conditioned upon the observance of standards and regulations adopted by, and in compliance with the direction of the department.

Current state law (Military and Veterans Code Section 972.2) makes the Veterans Service Office Fund (VSOFF) available, upon appropriation by the Legislature, to the Department for allocation and disbursement to counties for the operation of county veterans service offices. It further states that it is the intent of the Legislature that these funds shall be used to expand the support of the county veterans services offices.

Current state law (the Budget Act of 2005) separately appropriated separate line items for state operations and local assistance activities funded by the VSOFF. The Uniform Codes Manual states "Appropriations represent *specific legal authority to expend specified or determinable amounts of money*. Each appropriation is uniquely identified by the use of codes specific to an organization, reference, fund and year. In addition, an appropriation is made for *a specific authorized purpose . . .*" (emphasis added).

Current state law (the Budget Act of 2005) appropriated an increase of \$84,000 in the VSOFF local assistance appropriation specifically for the purpose of providing additional moneys to support the continuing education of the county veterans services officers. The Legislature's intent in approving this increased appropriation (as reflected in the approval of the Department's budget change proposal) is to provide each county, with an appointed county veterans service officer, \$1500 per year to partially offset the costs of attendance at Department sanctioned administrative training sessions. The budget change proposal also identified the need to amend Title 12 § 453.1.a.(2) in order to provide for distribution rules for the new funding and included sample amended language.

Current regulations (CCR Section 453.1) treat VSOFF allocations as if they are from a single line item appropriation when providing for the annual distribution of funds to:

- (a) "Headquarters" in specific amounts and for specific purposes; and
- (b) as "pro-rata" shares to the Department's District Offices and County Veterans Service Offices with "pro-rata" shares determined by comparing the net expenditures of each entity to the total amount of VSOFF funds remaining.

Current regulations (CCR Section 453.1(a)(1)) allocates "the amount of \$1.00 for each Veterans License Plate registration fee paid, each year, shall be allocated to the "Headquarters" of the Veterans Services Division, California Department of Veterans Affairs."

The current language of CCR Section 453.1 is inconsistent with existing law (Budget Act of 2005). The Budget Act separately appropriates "specified amounts of money" in line items for the "specific authorized purpose" of support (state operations) and local assistance. The inconsistency in CCR Section 453.1 results from:

1. The Department's Headquarters and District Offices are state operations and cannot be funded using local assistance appropriations as currently implied by CCR Section 453.1(a)(2);
2. The Budget Act appropriates a specific dollar amount annually to the Department for state operations. The distribution rules of Section 453.1(a)(1) implies that the Department is allowed to allocate an amount different (higher or lower) than the amount appropriated in the Budget Act. Allocation and expenditure at levels higher than appropriated would be in violation of the Budget Act.

The proposed regulation amends the language that is inconsistent with the Budget Act, by specifically separating the language related to allocating funds to the Department's Headquarters and District Offices allocations (state operations) from the language related to allocating funds to the counties (local assistance). The proposed language does NOT change the purpose of the funds allocated to state operations.

The proposed amendment to regulations will incorporate language into CCR Section 453.1 to allocate \$1500 to each county that has appointed a veteran to perform the duties of a CVSO, in order to partially offset the cost of the appointed CVSO's (or designee's) attendance at Department sanctioned administrative training sessions. It will further provide that the allocation will be reduced if training sessions are not attended and that such reductions shall be reallocated to the other counties. These changes are in accordance with the Legislature's intent when it increased the local assistance appropriation in the Budget Act of 2005 as evidenced by the approved budget change proposal.

The proposed amendment will also make other non-substantial changes to this section to comport with the amended language.

PUBLIC COMMENT

The Department hereby requests written comments on the proposed actions. All written comments must be received at the Department no later than 5:00 p.m. on October 31, 2005. Written comments should be directed to Jack Kirwan, Chief, Veteran Services Division, California Department of Veterans Affairs, 1227 O Street, Suite 105, Sacramento, California 95814, or by fax at (916) 653-2563, or by e-mail to

jack.kirwan@cdva.ca.gov. All written comments must include the true name and mailing address of the commentor.

A public hearing is not scheduled. Pursuant to Government Code Section 11346.8, any interested person, or his or her duly authorized representative, may request in writing, no later than 15 days prior to the close of the public comment period, that a public hearing be held.

AVAILABILITY OF STATEMENTS

The proposed regulations (express terms), as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Jack Kirwan, Chief, Veteran Services Division, California Department of Veterans Affairs, 1227 O Street, Suite 105, Sacramento, California 95814, phone (916) 653-2573 during the hours of 8:00 AM to 5:00 PM.

Please direct requests for the above-mentioned documents and inquiries concerning the regulatory process to Jack Kirwan at the preceding address or phone number.

Copies of the Initial Statement of Reasons, including the regulatory language (express terms), may be obtained from the above address. Notice of the proposed action shall be posted on the Department of Veterans Affairs' website at <http://www.cdva.ca.gov>.

ADOPTION OF PROPOSED REGULATIONS

Following the close of the public comment period, the Department may adopt the proposal substantially as set forth without further notice or the Department may modify the proposal if such modifications remain sufficiently related to the text as described in the Informative Digest. If the Department makes changes to the language before the date of adoption, the text of any modified language, clearly indicated, will be made available, at least 15 days before adoption, to all persons whose comments were received by the Department during the public comment period, and to all persons who request notification from the Department of the availability of such changes. A request for the modified text should be addressed to the agency official designated in this notice. The Department will accept written comments on the modified text for 15 days after the date on which the revised text is made available.

The Final Statement of Reasons will be prepared after the close of the public comment period. A copy may be requested by writing to the address, or calling the phone number under Contact Persons at the end of this notice, or by viewing the document on the Department Internet website at the Internet address cited above.

ESTIMATE OF ECONOMIC IMPACT

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Programs Mandated on Local Agencies or School Districts: NONE.
- (b) Costs or savings to local agencies or school districts which must be reimbursed in accordance with Part 7 (commencing with Section 17500) of Division 4 of the Government Code: NONE.
- (c) Non-discretionary Costs/Savings to Local Agencies: NONE. The Department has determined that while the newly appropriated funds being addressed in the proposed language are to partially offset the cost of attendance at state sanctioned (approved) training, attendance at such training remains discretionary for each individual county.
- (d) Costs or Savings to State Agencies: NONE.
- (e) Costs/Savings in Federal Funding to the State: NONE.
- (f) Effect on Housing Costs: The Department has made an initial determination that the proposed action would have no effect on housing costs.
- (g) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States: The Department has made an initial determination that the proposed action will not have any statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.
- (h) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: The proposed action will neither create nor eliminate jobs in the State of California, nor result in the elimination of existing businesses in the state. The proposed action will not create or expand businesses in the State of California.
- (i) Cost Impacts on a Representative Private Person or Business: The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- (j) The Department has determined that the adoption of these regulations will have no effect on California businesses, including small businesses, because the proposed action sets distribution rules

for funding appropriated by the Legislature for the specific use of CVSO's, and thus does not impact California businesses, including small businesses.

CONSIDERATION OF ALTERNATIVES

To take this action, the Department must determine that no reasonable alternative considered by the Department, or that has otherwise been identified and brought to the attention of the Department, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

CONTACT PERSONS

Please direct any inquiries or comments pertaining to the proposed action to:

Primary Contact

Jack Kirwan
Chief, Veterans Services Division
1227 O Street, Suite 105
Sacramento, CA
Telephone: 916.653.2573
FAX: 916.653.2563
E-mail: Jack.Kirwan@cdva.ca.gov

Secondary Contact

Ralph Cansimbe
Manager, Headquarters VSD Operations
1227 O Street, Suite 105
Sacramento, CA
Telephone: 916.653.2573
FAX: 916.653.2563
E-mail: Ralph.Cansimbe@cdva.ca.gov

TITLE 13. DEPARTMENT OF MOTOR VEHICLES

NOTICE IS HEREBY GIVEN

The Department of Motor Vehicles (the department) proposes to amend Sections 77.05, 77.10, 77.15, 77.16, and 77.17, in Chapter 1, Division 1, Article 2.3, of Title 13, California Code of Regulations to specify the types of driver licenses that are not eligible for a restricted license.

PUBLIC HEARING

A public hearing regarding this proposed regulatory action is not scheduled. However, a public hearing will be held if any interested person or his or her duly authorized representative requests a public hearing to be held relevant to the proposed action by submitting a written request to the contact person identified in this notice no later than 5:00 P.M., fifteen (15) days prior to the close of the written comment period.

DEADLINE FOR WRITTEN COMMENTS

Any interested person or his or her duly authorized representative may submit written comments relevant to the proposed regulations to the contact person identified in this notice. All written comments must be received at the department no later than 5:00 P.M. on *October 31, 2005*, the final day of the written comment period, in order for them to be considered by the department before it adopts the proposed regulations.

AUTHORITY AND REFERENCE

The department proposes to adopt the proposed action under the authority granted by Vehicle Code section 1651, in order to implement, interpret or make specific Sections 16072, 16073 and 16077 of the Vehicle Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Vehicle Code section 16070 specifies that the department shall suspend the driving privilege of a driver involved in an accident who fails to provide evidence of financial responsibility for the accident. Vehicle Code section 16072 allows for a person whose driving privilege is suspended to operate a vehicle under specific restrictions. These restrictions apply to travel to and from a place of employment, driving during the course of employment, and travel to transport a minor dependent to and from school. Vehicle Code section 16077 authorizes a restriction that allows for a person whose driving privilege is suspended to operate a vehicle when transporting an immediate family member or the driver to and from medical and mental health treatments.

These restrictions no longer apply when the applicant holds a commercial driver license, whether a class A, class B or commercial class C license. Legislation was enacted in 2004 to bring California law in conformance with the federal commercial driver licensing program contained in Title 49 of the Code of Federal Regulations. In addition, changes to California law require the proposed regulatory amendment of the restricted license application form and the regulations.

§ 77.05 Restricted License Requirements.

Section 77.05 would identify those applicants that are not eligible for a restricted license.

§ 77.10 Application for a Driver License Restriction. Section 77.10 would identify a new revision date for the restricted license application form and incorporate the form by reference.

§ 77.15 Employment Restriction. Section 77.15 would identify those applicants that are not eligible for the restricted license and identify a new revision date for the restricted license application form.

§ 77.16 School Transportation Restriction.

Section 77.16 would identify a new revision date for the restricted license application form.

§ 77.17 Medical Treatment Restriction. Section 77.17 would identify a new revision date for the restricted license application form.

DOCUMENTS INCORPORATED BY REFERENCE

- Application for Non-Commercial Restricted Driver License for Financial Responsibility Actions, form DL 691 (REV. 6/2005).

The form is not published in Title 13 because it would be impractical and cumbersome to publish the form in the department's regulations. The form is presently available from the department and may be found on the department's website at www.dmv.ca.gov.

FISCAL IMPACT STATEMENT

- Cost Or Savings To Any State Agency: None.
- Other Non-Discretionary Cost or Savings to Local Agencies: None.
- Costs or Savings in Federal Funding to the State: None.
- Cost Impact on Representative Private Persons or Businesses: The department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The proposed regulations implement existing statutes by identifying the types of driver licenses that are prohibited from obtaining the driver license restrictions and the revised restricted license application form.
- Effect on Housing Costs: None.

DETERMINATIONS

The department has made the following initial determinations concerning the proposed regulatory action:

- The proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. No studies or data were relied upon in support of this proposal.
- The adoption of this regulatory action will neither create nor eliminate jobs or create businesses in the state of California, will not result in the elimination of existing businesses, and will not reduce or expand businesses currently doing business in the state of California.
- The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate that requires reimbursement pursuant to

part 7 (commencing with Section 17500) of Division 4 of the Government Code.

- The proposed regulatory action will not affect small businesses because the proposed regulatory action implements existing statutes by clarifying who is eligible to apply for the driver license restrictions and identifying the appropriate application form.

PUBLIC DISCUSSIONS OF PROPOSED REGULATIONS

A pre-notice workshop, pursuant to Government Code section 11346.45, is not required because the issues addressed in the proposal are not so complex or large in number that they cannot easily be reviewed during the comment period.

ALTERNATIVES CONSIDERED

The department must determine that no reasonable alternative considered by the department or that has otherwise been identified and brought to the attention of the department would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

CONTACT PERSON

Inquiries relevant to the proposed action and questions on the substance of the proposed regulations should be directed to the department representative, Christie Patrick, Department of Motor Vehicles, P.O. Box 932382, Mail Station E-244, Sacramento, California 94232-3820; telephone number (916) 657-5567, or cpatrick@dmv.ca.gov. In the absence of the department representative, inquiries may be directed to the Regulations Coordinator, Deborah Baity, at (916) 657-5690 or e-mail dbaity@dmv.ca.gov. The fax number for the Regulations Branch is (916) 657-1204.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The department has prepared an initial statement of reasons for the proposed action, and has available all the information upon which the proposal is based. The contact person identified in this notice shall make available to the public upon request the express terms of the proposed action using underline or italics to indicate additions to, and strikeout to indicate deletions from, the California Code of Regulations. The contact person identified in this notice shall also make available to the public upon request the final statement of reasons, and the location of public records, including reports, documentation and other materials related to the proposed action. In addition, the above-cited materials (the Notice of Proposed Regulatory Action, the Initial Statement of Reasons and Express Terms) may be accessed at www.dmv.ca.gov/about/lad/regactions.htm.

AVAILABILITY OF MODIFIED TEXT

Following the written comment period, and the hearing if one is held, the department may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the fully modified text, with changes clearly indicated, shall be made available to the public for at least 15 days prior to the date on which the department adopts the resulting regulations. Request for copies of any modified regulations should be addressed to the department contact person identified in this notice. The department will accept written comments on the modified regulations for 15 days after the date on which they are first made available to the public.

TITLE 14. FISH AND GAME COMMISSION

NOTICE OF PROPOSED CHANGES IN REGULATIONS

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 82252.1, 8552.3, 8553, of the Fish and Game Code and to implement, interpret or make specific sections 8552.1, 8552.3 and 8552.7, of said Code, proposes to amend Section 163.1, Title 14, California Code of Regulations, relating to Herring Permit Transfers.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Under existing law (Fish and Game Code Section 8550), Pacific herring may be taken for commercial purposes only under the authority of a permit, and herring permits are transferable under the provision of Fish and Game Code Sections 8552.2 and 8552.6. Fish and Game Code Section 8552.7 currently sets the fee to transfer a herring permit at \$5,000, but existing law (Fish and Game Code Section 8552.1) authorizes the Fish and Game Commission (Commission) to adjust the herring permit transfer fee to a level that will not discourage the transfer of permits or limit entry into the fishery, and that will ensure sufficient funds to cover reasonable Department of Fish and Game (Department) costs associated with management of the fishery.

Existing law (Fish and Game Code Section 8552.3) provides the Commission with the authority to adopt regulations to facilitate transfer of herring permits including regulations that would allow an individual to own a permit for each of the three gill net platoons (also called fishing groups and designated DH, Odd, and Even) in San Francisco Bay; eliminate the point system for qualifying for a herring permit; and allow a

herring permit to be transferred from a parent to child or between spouses, when those individuals are otherwise qualified to participate in the fishery.

Existing law (Fish and Game Code Section 8552.2) limits permit transfers to individuals with at least 20 herring fishery points (also known as experience points) unless the permit is transferred to partner in a partnership established under the provision of Fish and Game Code Section 8552.6. Permits held in partnership may be transferred to one of the partners if that partner has at least 10 experience points and the partnership has existed for at least three consecutive years. Fish and Game Code Section 8552.8 establishes the basis for earning experience points in the roe herring fishery.

The proposed regulations would lower the herring permit transfer fee from \$5,000 to \$1,000. The proposed regulations to facilitate transfers are based on recommendations received from a group of Director's Herring Advisory Committee members and on a proposal received by the Commission at their August 18–19 by a herring permittee. Those regulations would: authorize permit holders in San Francisco Bay to hold permits in more than one platoon; eliminate the point system and establish new eligibility criteria for permit transfer; specify the documents needed to demonstrate eligibility; eliminate the requirements that a permit holder mail a notice of intention to transfer to everyone on the Department's list of individuals with experience points (commonly called the 20-point list). The proposed regulations would also specify the requirement for requesting a permit transfer, specify that an application must be for each permit each season, and provide a process to appeal a Department denial of a transfer.

The following is a summary of the proposed eligibility criteria:

The proposed regulations would limit transfers to individuals who meet at least one of the following criteria: a) have fished in the herring roe fishery in California for at least one season and have held a California commercial fishing license for at least three years and provides documentation; b) is a spouse or child of the current permit holder who is otherwise qualified; or c) is a current San Francisco Bay permit holder who is purchasing another San Francisco Bay permit.

The proposed regulations would authorize permit holders in San Francisco Bay to own permits in more than one platoon (odd-numbered permits, even-numbered permits, and December herring ("DH") permits), but would prohibit anyone from holding more than one permit per platoon. Individuals holding converted round haul ("CH") permits that are

authorized to fish in two platoons would be allowed to own a permit for the platoon that is not authorized under his or her CH permit.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in Museum of Natural History, Farrand Hall, 2559 Puesta del Sold Road, Santa Barbara, on Friday, November 4, 2005, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before November 4, 2005 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@dfg.ca.gov, but must be received no later than November 4, 2005, at the hearing in Santa Barbara, CA. All written comments must include the true name and mailing address of the commentor.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Robert R. Treanor, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Jon Fischer or Jon Snellstrom at the preceding address or phone number. **Becky Ota, Department of Fish and Game, phone (650) 631-6789, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

AVAILABILITY OF MODIFIED TEXT

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

IMPACT OF REGULATORY ACTION

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following

initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States: None. No adverse economic impacts are anticipated from the proposed regulations. The proposed regulation, at most, would facilitate the sale and transfer of herring permits by fishermen desiring to leave the fishery through reduced transactions costs. There are currently 417 herring permit holders. Anecdotal information from the fishermen, and some statistical corroboration at the Department of Fish and Game, indicate that the current transfer fee of \$5,000 may present a barrier to the sale and transfer of herring permits.
- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None. Lowering the transfer fee cost would reduce transactions costs and likely enable some fishermen to retire while capturing a larger portion of the current value of their permit. This would facilitate the perpetual use of permits for ongoing business activities and opportunities, thus preserving or perhaps increasing the number of jobs in the State. This would be in contrast to a permit holder retiring or dying and letting the permit lapse due to a relatively high permit transfer fee of \$5,000.
- (c) Cost Impacts on a Representative Private Person or Business: The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: Since April 1, 1997 when the transfer fee rose to \$5,000, there have been an average of four permit transfers per year; generating about \$20,000 (four × \$5,000) in transfer fees to the Department. Industry representatives have stated that more fishermen would retire and sell their permits, if transfer fees were lower. Department records on herring permit transfers over the last 17 years appear to confirm that a \$5,000 transfer fee is a barrier to fishermen selling and transferring their permits. The average age of resident herring fishermen rose from 50 years of age in 1996, to 58 years of age in 2004. This suggests that fishermen are keeping their permits longer, and are disinclined to sell them. Based on advertisements in recent commercial fishing trade journals, the current price for a San Francisco Bay herring permit is less than \$10,000.

Thus, a \$5,000 transfer fee is at least 50 percent of the revenues generated from sale of a permit at current market prices. This likely deters older fishermen from retiring and selling their herring permits. The average age of herring permit holders at death or retirement was 73.5 years of age from 1996 through 2004. The age composition of herring permit holders in 2004 is as follows: 0.9 percent are age 18–30, 8.0 percent are age 30–40, 22.2 percent are age 40–50, 40.1 percent are age 50–60, 16.5 percent are age 60–70, 8.5 percent are age 70–80, and 3.8 percent are age 80 or older. Based on this current age composition of the 417 herring fishermen, there are 22 individuals at or above the threshold age (that is, average age at death or retirement) of 73.5 years. The Department anticipates that these 22 permit holders are likely to transfer their permits soon after implementation of a transfer fee reduction. Thus, in the first couple years of a new \$1,000 transfer fee, there may be 10 to 15 transfers a year, representing \$10,000 to \$15,000 in Department revenues in each year. Thereafter, the Department expects the annual number of transfers to average about 2.2 over the next five years, and about 2.8 over the next 10 years, based on the 2004 age structure of the herring permit holders and assuming a retirement threshold age of 73.5 years. However, permit sale and transfer activity is dependent on, among other things, the availability of qualified and willing buyers.

Compared to historical permit transfers, which average four transfers per year, under the reduced transfer fee the Department would likely lose revenues of up to –\$9,000 per year in the first couple of years. This revenue loss would occur even with anticipated increases in the number of transfers to about 11 in year one and year two of the proposed regulations. If the number of transfers thereafter average 2.8 a year, annual losses in transfer revenues would be approximately –\$17,200 for the Department. This assumes that all other factors potentially affecting permit transfer activity stay the same (*e.g.*, ex-vessel value of the product, Japanese economy, foreign exchange rates, out-of-state competition, and existing inventories). Japan imports nearly all of the herring roe from fisheries in California. Current indications are that the Japanese economy is not likely to rebound dramatically in the next few years.

- (e) Nondiscretionary Costs/Savings to Local Agencies: None
- (f) Programs mandated on Local Agencies or School Districts: None

- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None
- (h) Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

It has been determined that the adoption of these regulations may affect small business.

CONSIDERATION OF ALTERNATIVES

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

TITLE 14. FISH AND GAME COMMISSION

NOTICE OF PROPOSED CHANGES IN REGULATIONS

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 203, 205, 215, 219, 220, 240, 331, 332, 713, 1050, 1572, 4302, 4331, 4336, 4340, 4341, 7380 and 10502, of the Fish and Game Code and to implement, interpret or make specific sections 200–203.1, 205, 206, 207, 210, 220, 215, 219, 220, 240, 331, 332, 713, 1050, 1055, 1570–1572, 3950, 3951, 4302, 4330–4333, 4336, 4340, 4341, 4652–4655, 4657, 4750–4756, 4902, 7380, 7381, 7382, 10500 and 10502, of said Code, proposes to amend Sections 478.1, 551, 601 and 708, and add Sections 701 and 702, Title 14, California Code of Regulations, relating to the Sport Fishing and Hunting Tags, Applications, Seals, Permits, Reservations and Fees.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Section 701

Existing regulations reference the fees for sport fishing cards and permits in various sections of Title 14. Pursuant to Section 713 of the Fish and Game Code, these fees are adjusted annually based on a calculated cost-of-living adjustment. This requires the Department to identify each section that contains a fee annually and take regulatory action to update the fees to ensure the regulations accurately reflect the correct fee. The proposed changes would remove references of fees from existing sections, consolidate them into one sport fishing fees section, and update the fees as

required by Section 713. This will streamline the process for the Department and Commission staff and will simplify the regulations for the public.

Existing regulations specify the legal size limit for taking salmon in ocean waters in sections 1.74 and 27.80 of Title 14. This requires the Department to update both sections of Title 14 when there is a change in the size limits for taking salmon in ocean waters. The proposed change would remove the specific size limit from Section 1.74 and add language that refers to Section 27.80 for the specific size limit. This will streamline the process for the Department and Commission staff and will simplify the regulations for the public.

Editorial changes are also proposed to improve the clarity and consistency of the regulations.

Section 702

Existing regulations reference the fees for applications, licenses, permits, tags, reservations and other entitlements in various sections of Title 14. Pursuant to Section 713 of the Fish and Game Code, these fees are adjusted annually based on a calculated cost-of-living adjustment. This requires the Department to identify each section that contains a fee and take regulatory action to update the fees to ensure the regulations accurately reflect the correct fees. The proposed changes would remove references of fees from existing sections, consolidate them into one hunting fees section, and update the fees as required by Section 713. This will streamline the process for the Department and Commission staff and will simplify the regulations for the public.

Editorial changes are also proposed to improve the clarity and consistency of the regulations.

The changes proposed are for the 2006/2007 license year and shall become effective on July 1, 2006.

Applications are in draft and will not be finalized and printed until April 2006.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in Museum of Natural History, Farrand Hall, 2559 Puesta del Sold Road, Santa Barbara, on Friday, November 4, 2005, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before November 4, 2005 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@dfg.ca.gov, but must be received no later than November 4, 2005, at the hearing in Santa Barbara, CA. All written comments must include the true name and mailing address of the commentor.

The regulations as proposed in ~~strikeout~~-underline format, as well as an initial statement of reasons, including environmental considerations and all infor-

mation upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Robert R. Treanor, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Jon Fischer or Jon Snellstrom at the preceding address or phone number. **Jerilyn Santillan, Department of Fish and Game, phone (916) 227-2245, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

AVAILABILITY OF MODIFIED TEXT

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

IMPACT OF REGULATORY ACTION

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businessmen to Compete with Businesses in Other States:

Section 701

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed action consolidates the fees relating to sport fishing within regulation, adjusts fees pursuant to Section 713, removes duplicate references to legal size limits for taking salmon in ocean waters, and is economically neutral to businesses.

Section 702

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed action consolidates the fees relating to hunting tags and applications within the regulation, adjusts fees pursuant to Section 713, and is economically neutral to businesses.

Sections 701 and 702

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None
- (c) Cost Impacts on Private Persons: The agency is not aware of any cost impacts that a representative private person would necessarily incur in reasonable compliance with the proposed action.
- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None
- (e) Other Nondiscretionary Costs/Savings to Local Agencies: None
- (f) Programs Mandated on Local Agencies or School Districts: None
- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed under Part 7 (commencing with Section 17500) of Division 4: None
- (h) Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

It has been determined that the adoption of these regulations may affect small business.

CONSIDERATION OF ALTERNATIVES

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

TITLE 16. BOARD OF BARBERING AND COSMETOLOGY

NOTICE IS HEREBY GIVEN that the Board of Barbering and Cosmetology (hereinafter referred to as "the Board") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a public hearing to be held at Junipero Serra State Building, 320 West Fourth Street, Los Angeles, Ca. 90013 at

9 a.m., on October 24, 2005, and a second hearing on October 31, 2005 to be held at the Department of Consumer Affairs, 400 R Street, room 1030, Sacramento, Ca. 95814. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board no later than 5:00 p.m. on October 31, 2005 or must be received by the Board at the hearings. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Sections 7312 of the Business and Professions Code, and to implement, interpret or make specific Sections 7337.5 of said Code, the Board is considering changes to Division 9 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Business and Professions Code, Section 7337.5, authorizes the board to amend Article 4, Section 928 to include language pertaining to any person licensed as an apprentice in barbering, cosmetology, or electrol-ogy. The amendment shall also include language pertaining to the apprentice's proof of qualifications to be received by the board before the apprentice is examined.

The amendment is necessary to implement the "Preapplication" process for apprentices enacted by AB 2753, Statutes of 2002, Chapter 580.

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: The proposed regulatory action has no cost impact in terms of increased expenses and/or savings to state agencies and/or federal funding to the state.

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact: The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic

impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses: The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business: The cost impacts that a representative private person or business would necessarily incur (if they choose this method of applying for an examination) are known to the Board to be: A \$9 pre-application fee

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations would not affect small businesses. The proposed amendments do not require a small business to utilize the pre-application process, it is their choice. In addition, the small business may choose to have the applicant incur the additional cost.

CONSIDERATION OF ALTERNATIVES

The board must determine that no reasonable alternative to the regulation would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed amendments.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board of Barbering and Cosmetology at 400 R Street, Suite 5100, Sacramento, California 95814.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below. You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below.

CONTACT PERSON

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Kristy Underwood
Address: 400 R Street, Suite 5100
Sacramento, Ca. 95814
Telephone No.: (916) 323-1101
Fax No.: (916) 445-8893
E-Mail Address: Kristy_Underwood@dca.ca.gov
The backup contact person is:
Name: Paul Cobb
Address: 400 R Street, Suite 5100
Sacramento, Ca. 95814
Telephone No.: (916) 323-1101
Fax No.: (916) 445-8893
E-Mail Address: Paul_Cobb@dca.ca.gov

WEBSITE ACCESS

Materials regarding this proposal can be found at www.barbercosmo.ca.gov

**TITLE 16. MEDICAL BOARD
OF CALIFORNIA**

NOTICE IS HEREBY GIVEN that the Medical Board of California is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at Sheraton Suites, 701 A Street, San Diego, California, at 9:00 a.m., on November 4, 2005. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under contact person in this Notice, must be received by the Medical Board of California at its office not later than 5:00 p.m. on October 31, 2005 or must be received by the Medical Board, Division of Licensing at the hearing. The Medical Board of California, Division of Licensing, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE:

Pursuant to the authority vested by Sections 2018 of the Business and Professions Code, and to implement, interpret or make specific Sections 2018, 2089,

2089.5, 2102 and 2103 of said Code, the Medical Board of California, Division of Licensing is considering changes to Division 13 of Title 16 of the California Code of Regulations as follows:

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

Existing law authorizes the Medical Board of California to determine whether an international medical school's resident course of instruction leading to an M.D. degree is equivalent to that required by law. The Medical Board of California's existing regulations specify the process for making that determination.

Existing regulations set forth the requirements for recognition of international medical schools. This proposal would specify that any recognition granted to an international medical school shall be prospective in nature and that education obtained at that school prior to the date of the site visit would not qualify toward licensure.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: N/A

Nondiscretionary Costs/Savings to Local Agencies: N/A

Local Mandate: N/A

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: N/A

Business Impact: The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses: The Medical Board of California, Division of Licensing, has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business: The Medical Board of California, Division of Licensing, is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Medical Board of California, Division of Licensing, has determined that the proposed regulations would not affect small businesses. This regula-

tory amendment regards prospective recognition of international medical education programs.

CONSIDERATION OF ALTERNATIVES

The Medical Board of California must determine that no reasonable alternative considered by it or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Medical Board of California has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Medical Board of California, Licensing Program at 1428 Howe Avenue, Suite 56, Sacramento, California 95825.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below. You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Inquiries concerning the substance of the proposed regulatory amendment may be directed to:

Name: Curt Worden
Address: Medical Board of California
1426 Howe Avenue, Suite 54
Sacramento, CA 95825
Telephone No.: (916) 274-5983
Fax No.: (916) 263-2487
E-Mail Address: cworden@medbd.ca.gov

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Letitia Robinson
Address: Medical Board of California
1426 Howe Avenue, Suite 54
Sacramento, CA 95825
Telephone No.: (916) 263-2389
Fax No.: (916) 263-2387
E-Mail Address: lrobinson@medbd.ca.gov
The backup contact person is Linda Whitney
(916) 263-2389.

WEBSITE ACCESS

Materials regarding this proposal can be found at www.caldocinfo.ca.gov.

TITLE 25. CALIFORNIA HOUSING FINANCE AGENCY

NOTICE OF PROPOSED RULEMAKING

The California Housing Finance Agency ("Agency") proposes to repeal Sections 19200, 19201, 19202, 19203, 19204, 19205, 19206, 19207, 19300, 19301 and 19400, and amend Sections 11101 and 13302 of Title 25 of the California Code of Regulations (CCR) after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

The Agency has not scheduled a public hearing on this proposed action. However, the Agency will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Agency. The written comment period closes at 5:00 p.m. on October 31, 2005. The Agency will consider only comments received at the Agency offices by that time. Submit comments to:

Misty Miller, Senior Legal Analyst
Regulations Coordinator
Office of General Counsel
California Housing Finance Agency
1415 L Street, Suite 500
Sacramento, CA 95814
Direct Dial: (916) 445-0178
Fax: (916) 322-3151
E-Mail: <MMILLER@CALHFA.CA.GOV>

AUTHORITY AND REFERENCE

California Health and Safety Code Section 51050(e) authorizes the Agency to adopt, and from time to time amend and repeal, by action of the Agency Board of Directors, these regulations, which would implement, interpret, or make specific Sections 7, 50051, 50094, 50100, 50914, 50955, 51101, 51334(c), 51345(b), 51650, 51652 and 51654 of the California Health and Safety Code.

The Agency Board of Directors has approved the proposed amendments, and has authorized the Agency to give public notice, conduct any required public hearing, and take such other action as may be necessary or proper for the adoption by the Agency of such amended regulations, as more specifically stated in Agency Board Resolution 05-05, adopted at a duly constituted meeting of the Agency Board of Directors held on January 13, 2005, at Millbrae, California.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Agency proposes to repeal Sections 19200, 19201, 19202, 19203, 19204, 19205, 19206, 19207, 19300, 19301 and 19400 of Title 25 of the California Code of Regulations (CCR). These sections concern mortgage and bond insurance.

The Agency proposes to amend Section 11101 of Title 25 of the California Code of Regulations (CCR). This section concerns multifamily lending.

The Agency proposes to amend Section 13302 of Title 25 of the California Code of Regulations (CCR). This section concerns the procedure regarding Board approval of contracts.

The Agency is a mortgage lender. It was established as California's affordable housing bank to make below market-rate loans through the sale of tax-exempt bonds. Its mission is to finance below market rate loans to create safe, decent and affordable rental housing and to assist first-time homebuyers in achieving the dream of homeownership.

1. Mortgage And Bond Insurance Regulations: Proposed Repeal of Sections 19200, 19201, 19202, 19203, 19204, 19205, 19206, 19207, 19300, 19301 and 19400 of Title 25 of the California Code of Regulations (CCR)

The Agency's Mortgage Insurance Services Division provides mortgage insurance to prospective homeowners/borrowers. Mortgage insurance provides mortgage lenders with an added layer of credit protection in the event that the property owner/borrower defaults on their mortgage loan.

The Agency has nine regulations relating to its mortgage insurance operations (Sections 19200, 19201, 19202, 19203, 19204, 19205, 19206, 19207 and 19400). These regulations are unnecessary or are out of date. These regulations either simply repeat

statutory provisions or are obsolete. These regulations are not required by the Agency statutes. The Agency proposes to repeal these regulations.

The Agency has two regulations relating to bond insurance (Sections 19300 and 19301). The Agency has never had a bond insurance program. The existing regulations are out of date even if the Agency had such a program. The Agency proposes to repeal these regulations.

The Agency's Mortgage Insurance Services Division is growing as the result of increased demand for mortgage insurance. Today's first-time homebuyers are facing increased difficulty qualifying for mortgages in a market with expensive homes and rapidly increasing prices. Today's homes require sizeable down payments and large monthly payments that many first-time homebuyers cannot afford. In order to respond to market forces, the Agency is creating unique and innovative loan products to help more first-time homebuyers achieve the dream of homeownership. These loan products, typically with a very low down payment or no money down (to help first-time homebuyers who do not have cash equity from sale of a former home), sometimes with a loan-to-value ratio of greater than 100% (to help pay out-of-pocket costs associated with buying a house), and potentially with terms longer than 30 years (to reduce monthly payments and increase affordability), need mortgage insurance.

Restrictions in the existing mortgage insurance regulations place an unnecessary limit, in effect, on the loans eligible for Agency mortgage insurance, which means that less borrowers are eligible for Agency mortgage insurance, and accordingly less first-time homebuyers are able to achieve the dream of homeownership. In order to accomplish its statutory mission to create and finance affordable housing, the Agency must offer mortgage insurance to more, not less, borrowers. Repeal of these regulations will make more loans eligible for Agency mortgage insurance.

2. Multifamily Regulation: Proposed Amendment to Section 11101 of Title 25 of the California Code of Regulations (CCR)

The Agency's Multifamily Programs Division provides permanent financing for the acquisition, rehabilitation and preservation of existing rental housing, as well as the new construction of rental housing. Agency-financed affordable units are targeted to low and moderate income families and individuals in California.

The Agency is proposing only one small change to one multifamily regulation (Section 11101) at this time. This section relates to the qualifications of "housing sponsors" for rental housing developments to be constructed. The section concerns a process by which the Agency must "certify" that a potential

borrower is qualified. A specific qualification process is detailed in the regulation. The Agency is proposing that the objective determinations that the Agency must make pursuant to the regulation (that a borrower is credit worthy, financially responsible, etc.) be retained, but that the laborious process for making this "certification" be eliminated. The Agency believes that the process does not add any benefit to the loan process, and is outdated.

This small change to the regulation will have no effect on the determinations the Agency must make to confirm that a housing sponsor is qualified. The standards will stay the same. In particular, housing sponsors must still have a commitment to construct and operate the housing development in accordance with all applicable federal and state "Equal Opportunity," "Employment of Project Area Residents and Contractors" and "Affirmative Fair Housing Marketing" regulations. The only difference, if the regulation is amended as proposed, is that the Agency will no longer require housing sponsors to go through the time consuming task of assembling a highly documented and detailed application for certification, which, the Agency believes, is an unnecessary burden on California business.

The Agency will continue to gather sufficient information from housing sponsors to make determinations that housing sponsors are qualified. The Agency will continue to make determinations according to the existing standards.

3. Board Procedure: Proposed Amendment to Section 13302 of Title 25 of the California Code of Regulations (CCR)

The Agency is administered by a Board of Directors consisting of eleven voting members, including a chairperson selected by the Governor from among his or her appointees.

The Agency's statutes provide that the Board shall approve "major contractual obligations," and that the Executive Director shall approve all other obligations. There is no guidance in the statutes as to which contractual obligations are "major."

In 1985, the Agency enacted a regulation, Section 13302, which defines a "major contractual obligation" as one that exceeds \$500,000. This definition is impractical and outdated. It provides no guidance as to whether the dollar threshold applies to one year, or over the life of a multi-year contract.

The Agency has, or has wanted to, enter into contracts in which the compensation is dependant on the volume of loans, such as loan servicing or delegated underwriting of multi-family loans. In this situation, it is not possible to know with any certainty the dollar amount of compensation.

The regulation does not address the issue of whether a contract approved by the Executive Director which was anticipated to cost less than \$500,000 has been properly authorized if the ultimate amount later exceeds \$500,000. This situation is common in multi-year contracts, and contracts for consulting and legal services.

The \$500,000 figure is outdated. The Agency has grown dramatically since 1985 when the \$500,000 figure was set. The Agency's assets and operating expenses are four times larger than in 1985. The Agency's equity is ten times larger than in 1985.

In January 2003, the Board passed a resolution that delegated most routine contracting authority to the Executive Director for that year. The purpose of the resolution was to resolve the difficulties and ambiguities created by the day-to-day Agency activities which call into question the \$500,000 authorization. The Board passed virtually identical resolutions in 2004 and 2005. The 2005 resolution (Resolution 05-06) describes categories of contracts for which the Executive Director may contract. Each of these relates to the implementation of the day-to-day activities of the Agency.

The proposed amendment to the existing regulation would make several changes. First, the definition of "major contractual obligation" would be revised to mean those obligations that exceed, or are reasonably expected to exceed, the higher of the sum of \$1 million, or such other figure as the Board may set by resolution, in any fiscal year. Second, the amendment provides that Board approval of an obligation would consist of either a Board resolution, or the Board's approval of the Agency's operating budget, providing that the obligation is contained in a line item in the budget. Finally, the amendment provides that the Board may delegate any of its contracting approval authority to the Executive Director on such terms as it desires.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Agency has made the following initial determinations:

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

Cost to any local agency or school district which must be reimbursed in accordance with California Government Code Sections 17500 through 17630: None.

Other nondiscretionary cost or savings imposed on local agencies: None.

Cost or savings in federal funding to the state: None.

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.

Cost impacts on a representative private person or businesses: The Agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Adoption of these regulations will not:

- (1) create or eliminate jobs within California;
- (2) create new businesses or eliminate existing businesses within California; or
- (3) affect the expansion of businesses currently doing business within California.

Significant effect on housing costs: Makes more affordable housing available.

SMALL BUSINESS DETERMINATION

The Agency has determined that the proposed amendments to the regulations do not affect small business. These regulations apply only to the Agency for purposes of insuring mortgage loans, qualifying housing sponsors, and approving contractual obligations.

CONSIDERATION OF ALTERNATIVES

In accordance with California Government Code Section 11346.5(a)(13), the Agency must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the Agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The Agency invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing, if any, or during the written comment period.

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Misty Miller, Senior Legal Analyst
Regulations Coordinator
Office of General Counsel
California Housing Finance Agency
1415 L Street, Suite 500
Sacramento, CA 95814
Direct Dial: (916) 445-0178
Fax: (916) 322-3151
E-Mail: <MMILLER@CALHFA.CA.GOV>

The backup contact person for these inquiries is:

Rich Walline, Office Technician
Office of General Counsel
California Housing Finance Agency
1415 L Street, Suite 500
Sacramento, CA 95814
Direct Dial: (916) 327-7248
Fax: (916) 322-3151
E-Mail: <RWALLINE@CALHFA.CA.GOV>

Questions on the substance of the proposed regulations may be directed to:

Thomas C. Hughes, General Counsel
Office of General Counsel
California Housing Finance Agency
1415 L Street, Suite 500
Sacramento, CA 95814
Direct Dial: (916) 323-3424
Fax: (916) 322-3151
E-Mail: <THUGHES@CALHFA.CA.GOV>

Please direct requests for copies of the proposed text of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to Misty Miller at the address or phone number listed above.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Agency will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the California Notice Register, the rulemaking file consists of: this notice; proposed amendment text of the regulations in underline and strikeout; Initial Statement of Reasons; Resolution 05-05, signed by the Secretary of the Board, approved on January 13, 2005 (Exhibit 1 to Initial Statement of Reasons); Resolution 05-06, signed by the Secretary of the Board, approved on January 13, 2005 (Exhibit 2 to Initial Statement of Reasons); Fiscal Impact Statement (STD 399); Notice Publication (STD 400); 2005 Rulemaking Calendar; and Statement of Mailing Notice. Copies may be obtained by contacting Misty Miller at the address or phone number listed above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing, if any, and considering all timely and relevant comments received, the Agency may adopt the proposed amendments to the regulations substantially as described in this notice. If the Agency makes modifications which are sufficiently related to the original proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the

Agency adopts the amendments to the regulations as revised. Please send requests for copies of any modified amendments to the regulations to the attention of Misty Miller at the address indicated above. The Agency will accept written comments on the modified amendments to the regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Misty Miller at the address or phone number listed above.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Rulemaking, Initial Statement of Reasons, Resolutions 05-05 and 05-06 approved on January 13, 2005 (Exhibits 1 and 2 to Initial Statement of Reasons), Fiscal Impact Statement (STD 399), Notice Publication (STD 400), 2005 Rulemaking Calendar, Statement of Mailing Notice, and proposed amendment text of the regulations in underline and strikeout can be accessed through our Web site www.calhfa.ca.gov on the "ABOUT US" page (please click on "ABOUT US" in the gold colored section near the top of the home page). When on the "ABOUT US" page, please click on the link for Rulemaking Documents under Publications to view the documents available on the Internet.

GENERAL PUBLIC INTEREST

AIR RESOURCES BOARD

NOTICE OF RECALENDARING OF RULEMAKING ACTION

NOTICE OF PUBLIC HEARING TO CONSIDER ADOPTION OF EMISSION STANDARDS AND TEST PROCEDURES FOR NEW 2007 AND LATER OFF-ROAD LARGE SPARK-IGNITION (LSI) ENGINES AND FLEET REQUIREMENTS FOR USERS OF OFF-ROAD LSI ENGINES

The Air Resources Board (the Board or ARB) will conduct a public hearing at the time and place noted below to renew consideration of the above regulation that was initially heard on June 23, 2005, re-noticed for September 15-16, 2005, but which the Board further continued for consideration of the regulations.

DATE: October 20, 2005
TIME: 9:00 a.m.
PLACE: California Air Resources Board
Byron Sher Auditorium
1001 I Street, 2nd Floor
Sacramento, CA 95814

This item will be considered at a two-day meeting of the Board, which will commence at 9:00 a.m., October 20, 2005, and may continue at 8:30 a.m., October 21, 2005. This item may not be considered until October 21, 2005. Please consult the agenda for the meeting, which will be available at least 10 days before October 20, 2005, to determine the day on which this item will be considered.

If you have a disability-related accommodation need, please go to <http://www.arb.ca.gov/html/ada/ada.htm> for assistance or contact the ADA Coordinator at (916) 323-4916. If you are a person who needs assistance in a language other than English, please contact the Bilingual Coordinator at (916) 324-5049. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

DEPARTMENT OF FISH AND GAME

CONSISTENCY DETERMINATION Fish and Game Code Section 2080.1 CESA NO. 2080-2005-020-06

Project: Opah Ditch Aggregate Mine in San Bernardino County
Location: San Bernardino County
Notifier: California Department of Transportation

BACKGROUND

Caltrans proposes to reactivate 19.1 acres of the previously disturbed 160-acre materials surface mine at the Opah Ditch mine site off Interstate 15 and construct a 2.66-acre haul road, of which 1.54 acres is new disturbance in Category III desert tortoise (*Gopherus agassizii*) habitat. The project is located northwest of Interstate 15, between Rasor Road and Zzyzx Road, in San Bernardino County.

In a memorandum dated September 16, 2003, the Bureau of Land Management (BLM) notified the U.S. Fish and Wildlife Service ("Service") that it had determined that the proposed project met the criteria for coverage under the Service's programmatic Biological Opinion for Small Mining and Exploration Operations in the California Desert (1-6-92-F-28), dated June 1, 1992. This biological opinion describes specific activities to be covered and sets forth measures to mitigate impacts to the federally threatened desert tortoise and its habitat. On August 5, 2005,

the Director of the Department of Fish and Game ("Department") received a notice from Russell Williams, Branch Chief, Biological Studies and Permits Branch, California Department of Transportation (Caltrans), seeking a determination pursuant to Fish and Game Code section 2080.1 that the federal biological opinion is consistent with the California Endangered Species Act ("CESA," Fish and Game Code section 2050 *et seq.*) as to the specific road-building activities at the Opah Ditch mine site.

DETERMINATION

After reviewing the above-referenced biological opinion, the Department has determined that the Federal Biological Opinion No. 1-6-92-F-28 is consistent with CESA as to the proposed haul road construction because the project and measures described in that opinion meet the conditions set forth in Fish and Game Code Section 2081 (b) and (c) for authorization of incidental take of species protected under CESA. The biological opinion's measures to mitigate project impacts to the desert tortoise include, but are not limited to: 1) All activities in desert tortoise habitat will occur in the presence of a Service and Department approved biologist; 2) A desert tortoise education program will be presented to all personnel who would be on-site; 3) On-site biological supervision and monitoring will be conducted by a biologist to minimize take of desert tortoises during all project-related activities; 4) Desert tortoise habitat impacted will be mitigated at a 1:1 ratio through acquisition and preservation of 1.54 acres of tortoise habitat; 5) The Service must be notified of any tortoises injured during the course of construction, and the approved biologist shall transport the animal to a qualified veterinarian; 6) All handling of desert tortoises will be conducted by an authorized biologist in accordance with the Guidelines for Handling Desert Tortoises During Construction Projects (1994) (the newest version 1999 should be used); 7) The area will be fenced to preclude tortoises from entering the site; and 8) A yearly report will be submitted as described in Appendix A. Copies of the report shall be submitted to the Service and the Department.

This determination is limited to consistency of the biological opinion as applied to the described actions at the Opah Ditch mine site, and does not cover other activities that fall under the 1992 consultation. Separate determinations or take authorizations must be obtained for such future activities that may result in take of state-listed species. Pursuant to Section 2080.1 of the Fish and Game Code, with this determination, California Department of Transportation will not need

to obtain authorization pursuant to CESA for take of the desert tortoise in carrying out the project, provided the proposed project is constructed, operated, and maintained as it is described by Caltrans. A new consistency determination or a CESA incidental take permit must be obtained from the Department if the project or the biological opinion, including mitigation or conservation requirements set forth in the biological opinion, is changed.

DEPARTMENT OF FISH AND GAME

PROPOSED RESEARCH ON FULLY PROTECTED SPECIES

Research on the San Francisco Garter Snake
(*Thamnophis sirtalis tetrataenia*)

In August 2005, the Department of Fish and Game (Department) received a proposal for experimental captive propagation of the San Francisco garter snake (*Thamnophis sirtalis tetrataenia*) for the purpose of establishing captive recovery populations. Continued urbanization and agricultural uses could result in local extinctions of some San Francisco garter snake (SFGS) populations. In full cooperation with the U.S. Fish and Wildlife Service, Sacramento Fish and Wildlife Office (USFWS), the San Francisco Zoological Society (San Francisco Zoo) intends to undertake a captive propagation, research, and public outreach and education program (Program) for the San Francisco garter snake (*Thamnophis sirtalis tetrataenia*). In June 2005, at the request of the Service, the San Francisco Zoo imported five female and five male San Francisco garter snakes from Europe. These ten snakes are captive-bred and born and were imported to be used in zoos across America to educate and inform the public about the plight of wild San Francisco garter snakes and other imperiled reptile species. In accomplishing the missions of both the San Francisco Zoo, to educate people about the conservation of species, and the Service, to conserve and recover this endangered species, the San Francisco Zoo will begin a captive propagation and research program with these ten imported, captive-bred snakes.

The captive propagation portion of this Program will be conducted at the San Diego Zoo under the direction of Mr. Don Boyer, Curator of Reptiles and Amphibians. Mr. Boyer is a recognized expert in the husbandry and breeding of the San Francisco garter snake. Six of the original ten snakes will be sent to San Diego on a breeding loan from the San Francisco Zoo. Mr. Boyer will breed the snakes and the offspring will be distributed to other participating American Zoo and Aquarium Association (AZA) facilities. Once enough captive-bred snakes have been distributed to other facilities, research activities may be initiated at any of the participating facilities so that we may better

understand the life history of this endangered subspecies. Neither the captive-bred offspring nor their parents will ever be released to the wild unless all major populations of the wild San Francisco garter snake have become extinct and a determination is made by the responsible agencies to initiate a captive propagation and reintroduction program.

Research activities may include, but are not limited to, assessing the genetic relatedness of the ten snakes serving as founders for the new captive propagation endeavor, determining the genetic relatedness of the founders to existing wild populations of the San Francisco garter snake, determine the level of hybridization of the founders with other subspecies of garter snake. Results from these genetics-related research activities can provide invaluable insight into how species exist and evolve in the wild given their range and population size declines.

Other research activities also will be undertaken as time and funding afford including, but not limited to, an assessment of radio-tracking methodologies, determining the most appropriate radio design for *T. sirtalis*, determining the most appropriate radio implantation procedures for *T. sirtalis*, an assessment of Passive Integrated Transponder implantation procedures, ventral scute clipping procedures, feasibility, and applicability to the San Francisco garter snake and other federally-listed reptile species.

The San Francisco garter snake is a State Fully Protected reptile, and a State and Federally-listed endangered species. The applicants are required to have an endangered species take permit from the USFWS. The Department may issue, under specified conditions, a Memorandum of Understanding (MOU) that would authorize the applicant and the other participants mentioned above, to carry out the proposed activities.

The proposed activity begins in 2005 and continues indefinitely until the MOU is terminated by either the Department or the San Francisco Zoo, or until the program is no longer necessary for recovery purposes.

Pursuant to California Fish and Game Code (FGC) Section 5050, the Department may authorize take of Fully Protected reptiles after 30 days notice has been provided to affected and interested parties through publication of this notice. If the Department determines that the proposed research is consistent with the requirements of FGC Section 5050 for take of Fully Protected reptiles, it would issue the authorization on or after October 17, 2005, for an indefinite term, as described above. Contact: Habitat Conservation Planning Branch, 1416 Ninth Street, Sacramento, CA 95814, Attn.: Dale Steele.

STATE PERSONNEL BOARD

AMENDED PUBLIC HEARING DATE

NOTICE OF PROPOSED AMENDMENT OF REGULATION AND STATEMENT OF REASONS

CALIFORNIA CODE OF REGULATIONS TITLE 2. ADMINISTRATION DIVISION 1. ADMINISTRATIVE PERSONNEL CHAPTER 1. STATE PERSONNEL BOARD ARTICLE 4. HEARINGS AND APPEALS

**TO: ALL STATE AGENCIES,
EMPLOYEE ORGANIZATIONS,
AND MEMBERS OF THE
GOVERNOR'S CABINET**

**SUBJECT: PROPOSED AMENDMENTS TO
REGULATIONS CONCERNING
DISCOVERY IN NON-ADVERSE
ACTION EVIDENTIARY
HEARINGS**

Please take notice of the time, location and change in the date of the public hearing for the proposed amendment action related to Title 2, California Code of Regulations §§ 57.1 through 57.4, which provide procedures for conducting discovery in non-adverse action evidentiary hearings before the five-member State Personnel Board or its designated representative. Please see the complete notice with full detail published in the Notice Register of July 8, 2005.

Date and Time: October 3, 2005

10:15 a.m. to 10:45 a.m.

Place: 801 Capitol Mall, Room 150
Auditorium
Sacramento, CA 95814

Purpose: To receive comments about this action.

Please note that the written public comment period closed on Monday, August 22, 2005. This hearing is being held to provide opportunity for statements from those interested parties who were unable to attend the initial hearing held in Los Angeles on August 30, 2005. State Personnel Board staff will give full consideration to the testimony received at each hearing along with written comments received, and revise the proposed regulations as necessary.

Additional information or questions regarding the substance of the proposed action should be directed to Bruce Monfross at (916) 653-1403. Questions regarding the regulatory process in conjunction with this regulation should be directed to Elizabeth Montoya, the backup contact person, at (916) 654-0842 or TDD (916) 653-1498.

STATE PERSONNEL BOARD

AMENDED PUBLIC HEARING DATE

NOTICE OF PROPOSED
AMENDMENT OF REGULATION
AND STATEMENT OF REASONS

CALIFORNIA CODE OF REGULATIONS
TITLE 2. ADMINISTRATION
DIVISION 1. ADMINISTRATIVE PERSONNEL
CHAPTER 1. STATE PERSONNEL BOARD
ARTICLE 4. HEARINGS AND APPEALS

**TO: ALL STATE AGENCIES,
EMPLOYEE ORGANIZATIONS,
AND MEMBERS OF THE
GOVERNOR'S CABINET**

**SUBJECT: PROPOSED AMENDMENTS TO
REGULATIONS CONCERNING
WHISTLEBLOWER COMPLAINT
PROCEDURES**

Please take notice of the time, location and change in the date of the public hearing for the proposed amendment action related to Title 2, California Code of Regulations §§ 56 through 56.8, which provide procedures for whistleblower retaliation complaints. Please see the complete notice with full detail as published in the Notice Register of July 8, 2005.

Date and Time: October 3, 2005
9:45 a.m. to 10:15 a.m.

Place: 801 Capitol Mall, Room 150
Auditorium
Sacramento, CA 95814

Purpose: To receive comments about this action.

Please note that the written public comment period closed on Monday, August 22, 2005. This hearing is being held to provide opportunity for statements from those interested parties who were unable to attend the initial hearing held in Los Angeles on August 30, 2005. State Personnel Board staff will give full consideration to the testimony received at each hearing along with written comments received, and revise the proposed regulations as necessary.

Additional information or questions regarding the substance of the proposed action should be directed to Bruce Monfross at (916) 653-1403. Questions regarding the regulatory process in conjunction with this regulation should be directed to Elizabeth Montoya, the backup contact person, at (916) 654-0842 or TDD (916) 653-1498.

DECISION NOT TO PROCEED

AIR RESOURCES BOARD

NOTICE OF DECISION NOT TO PROCEED

NOTICE OF PUBLIC HEARING TO CONSIDER
MINOR AMENDMENTS TO THE EXHAUST
EMISSION STANDARDS FOR NEW
HEAVY-DUTY DIESEL ENGINES

By notice dated August 23, 2005, and published in the September 2, 2005, California Notice Register, Register 2005, No. 35-Z, the Air Resources Board (the Board or ARB) announced it would conduct a public hearing to consider minor amendments to California regulations applicable to new heavy-duty diesel engines and trucks.

PLEASE BE ADVISED that the proposed rulemaking, including the hearing for consideration on the adoption of minor amendments to California regulations applicable to new heavy-duty diesel engines and trucks, has been cancelled. A new hearing date has not yet been determined. A new notice will be published at least 45 days in advance of the public hearing. Comments submitted in response to the August 23, 2005 notice will not be considered as part of the future rulemaking.

Pursuant to Government Code section 11347, publication of this Notice of Decision Not to Proceed hereby terminates the rulemaking action originally noticed on September 2, 2005 in the California Regulatory Notice Register.

**SUMMARY OF REGULATORY
ACTIONS**

**REGULATIONS FILED WITH
SECRETARY OF STATE**

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

AIR RESOURCES BOARD
Thermal Spraying

This regulatory action adopts an airborne toxic control measure (ATCM) to reduce emissions of hexavalent chromium and nickel from thermal spraying. The ATCM will require the use of best available

control technology (BACT) when conducting thermal spraying. The adopted ATCM applies to thermal spraying operations at any stationary source that uses materials containing chromium, chromium compounds, nickel, or nickel compounds, requires the use of BACT in consideration of risk and cost, establishes hourly emissions limits for nickel for existing, modified, and new facilities, and establishes record-keeping, monitoring, and reporting requirements.

Title 17

California Code of Regulations

ADOPT: 93102.5

Filed 08/31/05

Effective 09/30/05

Agency Contact:

Robert C. Jenne (916) 322-2884

BOARD OF EDUCATION

Credit for College Courses

This action repeals regulations governing high school students credit for college courses. Education Code section 51225.3(b) currently provides authority for governing boards, with active involvement of parents, administrators, teachers, and pupils to adopt alternative means for pupils to complete prescribed courses of study, including credit earned in post-secondary institutions.

Title 5

California Code of Regulations

REPEAL: 1630

Filed 09/01/05

Effective 10/01/05

Agency Contact: Debra Strain (916) 319-0641

BOARD OF PHARMACY

Pharmacist Identification, et al

This action is the Board of Pharmacy's "omnibus" rulemaking conforming existing provisions governing pharmacy and pharmacist licensure, practice, self-assessments, continuing education, etc., to statutory changes and current Board practice.

Title 16

California Code of Regulations

ADOPT: 1712 AMEND: 1706.2, 1715, 1717, 1719, 1720, 1720.1, 1725, 1726, 1728, 1732, 1732.05, 1732.1, 1732.2, 1732.3, 1732.4, 1732.5, 1732.6, 1732.7, 1745, 1749 REPEAL: 1727, 1750

Filed 09/07/05

Effective 10/07/05

Agency Contact:

Virginia Herold (916) 445-5014 x4005

COMMISSION ON STATE MANDATES

Implementation of AB 2856 (Stats. 2004, ch. 890)

This rulemaking action amends definitions and updates the procedure for a local agency to file a test

claim with the Commission and the procedure for the Commission's review and decision concerning the claim.

Title 2

California Code of Regulations

ADOPT: 1183.12, 1183.13, 1183.14 AMEND: 1181, 1181.1, 1181.2, 1181.3, 1183, 1183.01, 1183.02, 1183.03, 1183.04, 1183.05, 1183.06, 1183.07, 1183.08, 1183.1, 1183.11, 1183.12, 1183.2, 1183.21, 1183.3, 1187, 1187.2, 1187.3, 1187.4, 1188.1, 1188.3, 1188.4,

Filed 09/06/05

Effective 09/06/05

Agency Contact: Cathy Cruz (916) 323-3562

DENTAL BOARD OF CALIFORNIA

Approval of Coronal Polishing Courses

This regulatory action adopts the requirements for approval of a course in coronal polishing.

Title 16

California Code of Regulations

ADOPT: 1070.4

Filed 09/06/05

Effective 10/06/05

Agency Contact: Richard DeCuir (916) 263-2300

DEPARTMENT OF HEALTH SERVICES

County Medical Services Program

This change without regulatory effect repeals regulations dealing with the County Medical Services Program that was administered by the Department. The program is now governed by the County Medical Services Program Governing Board, which has the power to "make rules and regulations" that are exempt from the Administrative Procedure Act. Welfare and Institutions Code section 16809.4. The CMSP Governing Board adopted its own regulations in 2002. The CMSP provides health coverage to low-income indigent adults in 34, primarily rural, California counties.

Title 17

California Code of Regulations

REPEAL: 1411.1, 1420.1, 1420.2, 1420.3, 1420.4, 1420.5, 1422.3, 1498, 1498.1, 1498.2, 1498.3, 1498.4, 1498.5, 1498.6, 1498.7, 1498.8, 1498.9

Filed 09/07/05

Effective 09/06/05

Agency Contact: Shelly Blanks (916) 650-6825

EMPLOYMENT TRAINING PANEL

Wage Criteria

This action amends existing provisions governing the ETP Minimum Wage, make up training, and project review.

Title 22

California Code of Regulations

AMEND: 4418 REPEAL: 4419, 4442.1, 4444

Filed 09/02/05
Effective 10/02/05
Agency Contact: Maureen Reilly (916) 327-5422

**LABOR AND WORKFORCE DEVELOPMENT
AGENCY
Conflict of Interest Code**

The California Labor and Workforce Development Agency is amending its conflict of interest code found at title 2, div. 8, ch. 99, sec. 58800, California Code of Regulations. This amendment was approved for filing by the Fair Political Practices Commission on July 6, 2005.

Title 2
California Code of Regulations
AMEND: Div. 8, Ch. 99, Sec. 58800
Filed 09/07/05
Effective 10/07/05
Agency Contact: Deanna Fong (916) 327-9069

**OSTEOPATHIC MEDICAL BOARD OF
CALIFORNIA
Citation and Fines**

This action adopts a procedure for the issuance of citations for violations of the Osteopathic Act and other applicable statutes and for the issuance of orders of abatement; a guideline for the imposition of administrative fines; and a limitation period for public disclosure of citations.

Title 16
California Code of Regulations
ADOPT: 1659.30(a)(b)(c), 1659.31(a)(b),
1659.32(a)(b), 1659.33, 1659.34(a)(b)(c), 1659.35
Filed 09/06/05
Effective 10/06/05
Agency Contact:
Linda J. Bergman (916) 263-3100

**CCR CHANGES FILED WITH THE
SECRETARY OF STATE
WITHIN APRIL 13, 2005
TO SEPTEMBER 7, 2005**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulation's titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 2

09/07/05 AMEND: Div. 8, Ch. 99, Sec. 58800
09/06/05 ADOPT: 1183.12, 1183.13, 1183.14
AMEND: 1181, 1181.1, 1181.2, 1181.3,
1183, 1183.01, 1183.02, 1183.03,
1183.04, 1183.05, 1183.06, 1183.07,
1183.08, 1183.1, 1183.11, 1183.12,
1183.2, 1183.21, 1183.3, 1187, 1187.2,
1187.3, 1187.4, 1188.1, 1188.3, 1188.4,
08/29/05 AMEND: Div. 8, Ch. 6, Sec. 27000
08/15/05 AMEND: 51000
08/09/05 ADOPT: 59520
08/04/05 AMEND: 2271
07/27/05 ADOPT: Div. 8, Ch. 23, Sec. 44000
07/20/05 ADOPT: 18530.7
07/20/05 AMEND: 18570
07/18/05 AMEND: 18452
07/18/05 AMEND: 55400
07/06/05 AMEND: 7286.0
06/24/05 AMEND: 599.502, 599.506
06/21/05 AMEND: 18705.5
06/16/05 AMEND: Div. 8, Ch. 4, section 25001
06/14/05 ADOPT: 18750.2, 18755 AMEND:
18702.4
05/31/05 ADOPT: 1859.300, 1859.301, 1859.302,
1859.310, 1859.311, 1859.312, 1859.313,
1859.314, 1859.315, 1859.316, 1859.317,
1859.318, 1859.319, 1859.320, 1859.321,
1859.322, 1859.323, 1859.323.1,
1859.323.2, 1859.324, 1859.325,
1859.326, 1859.327, 1859.328,
05/27/05 AMEND: 1859.2
05/27/05 AMEND: 20107
05/26/05 ADOPT: 18465.1
05/26/05 AMEND: 1859.2, 1859.81, 1866
05/24/05 ADOPT: 1859.23 AMEND: 1859.2,
1859.122, 1859.123, 1859.123.1
05/12/05 ADOPT: 1859.71.4, 1859.78.1 AMEND:
1859.2, 1859.73.2, 1859.79.2, 1859.82,
1859.83, 1859.125, 1859.125.1,
1859.145, 1859.163.1, 1859.164.2
05/03/05 ADOPT: 20800.1, 20800.2, 20800.3,
20800.4, 20800.5 20800.6, 20800.7,
20800.8, 20800.9, 20801.1, 20801.2,
20801.3 AMEND: 20800, 20801, 20802
05/02/05 ADOPT: 18640 AMEND: 18941.1,
18946, 18946.1, 18946.2, 18946.4
04/26/05 AMEND: 1859.2, 1859.42
04/19/05 AMEND: 172.4, 172.5, 172.6, 172.7,
172.8, 172.9, 172.10

Title 3

08/12/05 AMEND: 3700(c)
08/08/05 ADOPT: 1811, 1812, 1850 AMEND:
1804, 1806, 1808, 1831, 1930, 1931,
1932, 1940, 1941, 1942, 1943, 1944,

1945, 1946, 1950 REPEAL: 1809, 1810,
1851, 1851.1, 1870.1, 1870.2, 1871,
1872, 1873, 1951, 1960, 1961

07/21/05 AMEND: 6400

07/11/05 AMEND: 3423(b)

07/01/05 AMEND: 2311(b)

06/27/05 ADOPT: 3591.18

06/22/05 AMEND: 3430(b)

06/09/05 ADOPT: 3700

06/03/05 ADOPT: 3963

05/23/05 AMEND: 3636(a)(c)

05/16/05 AMEND: 6388

05/09/05 ADOPT: 1392.2(t), 1392.4(h), 1392.4(i),
1392.4(j), 1392.9(c), 1392.9(d),

04/15/05 AMEND: 1446.9(c), 1454.16(c)

Title 4

08/24/05 AMEND: 1663

08/17/05 AMEND: 1976.9

08/08/05 AMEND: 1887

06/27/05 ADOPT: 10175, 10176, 10177, 10178,
10179, 10180, 10181, 10182, 10183,
10184, 10185, 10186, 10187, 10188,
10189, 10190, 10191

05/26/05 ADOPT: 7030, 7031, 7032, 7033, 7034,
7035, 7036, 7037, 7038, 7039, 7040,
7041, 7042, 7043, 7044, 7045, 7046,
7047, 7048, 7049, 7050

04/27/05 AMEND: 1844, 1845

Title 5

09/01/05 REPEAL: 1630

08/22/05 AMEND: 850, 851, 852, 853, 853.5, 854,
855, 857, 858, 859, 861, 862, 863, 864,
864.5, 865, 866, 867, 867.5, 868870

08/16/05 ADOPT: 1207.5 AMEND: 1200, 1203,
1204.5, 1206, 1207, 1209, 1210, 1211,
1211.5, 1215, 1215.5, 1216, 1217, 1225

08/01/05 ADOPT: 15140, 15141

07/28/05 ADOPT: 1030.5, 1030.6, 1030.7, 1030.8

07/12/05 AMEND: 22000

06/23/05 ADOPT: 11992, 11993, 11994

06/22/05 ADOPT: 11967.6, 11967.7, 11967.8
AMEND: 11967, 11968, 11969

06/20/05 ADOPT: 19817.1, 19826.1, 19828.1,
19837 AMEND: 19813, 19814, 19814.1,
19817, 19826, 19828

06/09/05 ADOPT: 11511.6, 11516.6, 11516.7,
11517.5 AMEND: 11510, 11511,
11515.5, 11512, 11512.5, 11513, 11513.5,
11514, 11516, 11516.5, 11517

06/08/05 ADOPT: 17101 AMEND: 9531

06/01/05 AMEND: 41500, 41503, 41504, 41505

05/26/05 AMEND: 30060

05/26/05 AMEND: 80413

05/06/05 ADOPT: 18220.2, 18224.2, 18224.4,
1840.5, 18249 AMEND: 18220, 18240,
18248

05/06/05 ADOPT: 18092.5 AMEND: 18066,
18069, 18078, 18081, 18083, 18084,
18092, 18103, 18106, 18109, 18110

05/06/05 ADOPT: 19850, 19851, 19852, 19853,
19854 AMEND: 19813, 19814, 19814.1

05/06/05 ADOPT: 3075.1, 13075.2, 13075.3,
13075.4 AMEND: 13075

05/05/05 ADOPT: 80021, 80021.1

04/14/05 AMEND: 19836

Title 8

08/25/05 AMEND: 6184

08/22/05 ADOPT: 3395

08/10/05 AMEND: 8615

08/09/05 AMEND: 6251

08/02/05 AMEND: 770

08/02/05 ADOPT: 5022.1 AMEND: 4968

07/28/05 AMEND: 1529, 1535, 5190, 5210, and
8358

06/28/05 AMEND: 3541, 3542, 3543, 3544, 3545,
3546, 3548, 3549

06/20/05 AMEND: 3649, 3651(a)

06/20/05 ADOPT: 9767.1, 9767.2, 9767.3, 9767.4,
9767.5, 9767.6, 9767.7, 9767.8, 9767.9,
9767.10, 9767.11, 9767.12, 9767.13,
9767.14

06/15/05 AMEND: 1670(b)(11)(B)

06/10/05 ADOPT: 9768.1, 9768.2, 9768.3, 9768.4,
9768.5, 9768.6, 9768.7, 9768.8, 9768.9,
9768.10, 9768.11, 9768.12, 9768.13,
9768.14, 9768.15, 9768.16, 9768.17

06/10/05 ADOPT: 9785.4, 9805.1 AMEND: 9725,
9726, 9727, 9785, 9785.2, 9785.3, 9805,
10150, 10152, 10156, 10158, 10160,
10161, 10163, 10165.5 REPEAL: 10151,
10154

06/06/05 ADOPT: 10133.50, 10133.51, 10133.52,
10133.53, 10133.54, 10133.55, 10133.56,
10133.57, 10133.58, 10133.59, 10133.60

05/31/05 ADOPT: 32032, 32033, 32034, 32035,
32606, 32607, 32608, 32609, 81000,
81005, 81010, 81020, 81030, 81040,
81050, 81055, 81060, 81065, 81070,
81075, 81080, 81090, 81100, 81105,
81110, 81115, 81120, 81125, 81130,
81135, 81140, 81145, 81150, 81155,
81160,

05/24/05 AMEND: 3999

05/12/05 AMEND: 9789.11

04/29/05 AMEND: 3456

04/28/05 AMEND: 1637

04/19/05 REPEAL: 16003

04/14/05 AMEND: 8354, 8397.10, 8397.11,
8397.12, 8397.13.

Title 10

07/07/05 AMEND: 4010, 4011, 4013, 4016, 4018, 4019, 5000, 5001, 5002, 5003, 5005, 5006, 5007, 5008, 5009, 5010, 5013, 5020, 5050, 5051, 5060, 5061, 5070, 5110, 5111, 5112, 5113, 5114, 5115, 5116, 5117, 5118, 5119, 5260, 5261, 5262, 5263, 5264, 5266, 5267, 5268,
06/30/05 AMEND: 2699.6600, 2699.6809
06/23/05 AMEND: 2498.6
06/22/05 AMEND: 260.102.14
06/03/05 AMEND: 2698.70, 2698.71
06/03/05 AMEND: 2698.61, 2698.62
05/05/05 ADOPT: 2805, 2805.5, 2805.9, 2805.11, 2806, 2807, 2807.1, 2807.2, 2807.3, 2807.4, 2808, 2809, 2809.1, 2809.2, 2809.3, 2809.5, 2810, 2810.5, 2811
AMEND: 2814 REPEAL: 2805, 2805.1, 2805.1.5, 2806, 2806.5, 2810, 2810.1, 2810.2, 2810.3, 2810.4, 2810.6, 28
04/29/05 AMEND: 2698.30, 2698.31, 2698.32, 2698.33, 2698.34, 2698.35, 2698.36, 2698.37, 2698.38, 2698.39, 2698.40, 2698.41 REPEAL: 2698.40, 2698.41, 2698.42, 2698.43, 2698.44, 2698.45

Title 11

08/22/05 AMEND: 1002, 1007, 1018, 1008, 1015
08/22/05 AMEND: 1001, 1002, 1007
08/12/05 AMEND: 1005, 1060
08/01/05 AMEND: 1005, 1014
07/28/05 ADOPT: 720, 721, 722, 723, 724,
06/24/05 AMEND: 63.2
06/15/05 AMEND: 1005, 1007, 1008
06/15/05 AMEND: 1053
06/13/05 ADOPT: 308, 312.1 AMEND: 300, 301, 302, 303, 304, 305, 306, 307, 310, 311, 312
05/11/05 ADOPT: 61.9
05/09/05 ADOPT: 28.4
05/04/05 ADOPT: 51.25
05/04/05 ADOPT: 51.23
05/04/05 ADOPT: 61.8
05/04/05 AMEND: 51.2
05/04/05 AMEND: 51.7
05/03/05 AMEND: 51.15
05/03/05 AMEND: 51.24
05/03/05 AMEND: 51.12
05/03/05 AMEND: 51.14

Title 12

06/14/05 AMEND: 503(f)

Title 13

08/24/05 AMEND: 551.2, 551.15
08/18/05 AMEND: 2754
08/16/05 AMEND: 345.39, 345.45, 345.56, 345.78
08/11/05 AMEND: 423.00

08/08/05 AMEND: 2185
08/02/05 AMEND: 2450, 2451, 2452, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465
07/28/05 AMEND: 25.15, 25.18, 25.19, 25.21, 25.22
07/27/05 AMEND: 350.24
07/19/05 ADOPT: 15.04
05/31/05 AMEND: 551.1, 551.6, 555, 558, 560, 561, 580, 583, 585, 586, 595, 597
05/03/05 ADOPT: 159.10

Title 13, 17

07/05/05 ADOPT: 2299 (Title 13), 93117 (Title 17)
AMEND: 2281 (Title 13), 2282 (Title 13), 2284 (Title 13)

Title 14

08/26/05 AMEND: 7.50(b)(91.1)
08/24/05 AMEND: 183 REPEAL: 188
08/23/05 AMEND: 7.50
08/23/05 AMEND: 230
08/08/05 ADOPT: 4970.02, 4970.03, 4970.04, 4970.05, 4970.06, 4970.07, 4970.08, 4970.09, 4970.10, 4970.11, 4970.12, 4970.13, 4970.14, 4970.15, 4970.16, 4970.17, 4970.18, 4970.19, 4970.20, 4970.21 AMEND: 4970.00, 4970.01 REPEAL: 4970.02, 4970.03, 4970.04, 4970.05
08/05/05 ADOPT: 1052.4 AMEND: 895.1, 1052, 1052.1
07/21/05 AMEND: 18419
07/19/05 AMEND: 354, 360, 361, 362, 363, 478.1, 708
07/13/05 AMEND: 122 REPEAL: Appendix A, Form DFG 122
06/21/05 AMEND: 895, 895.1, 1038, 1038(f)
06/09/05 AMEND: 27.80
06/09/05 AMEND: 782
05/12/05 AMEND: 120.01
05/12/05 AMEND: 180.3
05/11/05 AMEND: 150.05
05/11/05 AMEND: 180.15
05/11/05 AMEND: 601
05/11/05 AMEND: 231
05/11/05 AMEND: 150.03
05/10/05 AMEND: 551
05/10/05 AMEND: 150
05/10/05 AMEND: 150.02
05/05/05 AMEND: 165
04/25/05 AMEND: 851.23
04/25/05 ADOPT: 18456.2.1, 18460.2.1 AMEND: 18449, 18450, 18451, 18456, 18459, 18459.1, 18459.2.1, 18459.3, 18461, 18462
04/25/05 ADOPT: 1038(i) AMEND: 1038(e)
04/22/05 AMEND: 149.1

04/19/05 AMEND: 670.2
04/13/05 AMEND: 2030, 2305, 2310, 2505, 2960

Title 14, 27

08/23/05 AMEND: Title 14, sections 17850(a); 17852(a)(5), (a)(11), (a)(12), (a)(13), (a)(15), (a)(16), (a)(21), (a)(22), (a)(24), (a)(36), (a)(41); 17855(a), (a)(5)(A); 17855(a)(5)(B), (a)(7); 17855.4(a), (c), (d)(1), (d)(2), (d)(3); 17856(a), (c), (c)(1); 17

Title 15

08/23/05 AMEND: 3025
08/03/05 ADOPT: 3436
07/07/05 ADOPT: 3187 AMEND: 3006, 3188, 3189, 3331
06/27/05 REPEAL: 3999.1.7
06/22/05 AMEND: 2000, 2400, 2403
06/21/05 REPEAL: 3999.1.3
06/21/05 REPEAL: 3999.1.2
06/15/05 AMEND: 3335
06/08/05 ADOPT: 2251.5, 2251.6, 2251.7 AMEND: 2041, 2072, 2073, 2074 REPEAL: 2050, 2051, 2052, 2054, 2055, 2056, 2701
06/02/05 AMEND: 1006, 1010, 1018, 1020, 1021, 1023, 1025, 1028, 1029, 1045, 1046, 1051, 1052, 1065, 1083, 1144, 1206, 1209, 1240, 1241, 1242, 1243, 1245, 1246, 1247, 1248, 1262, 1265, 1267, 1270, 1271 REPEAL: 1218
06/01/05 ADOPT: 4141, 4141.1
05/26/05 AMEND: 3287

Title 16

09/07/05 ADOPT: 1712 AMEND: 1706.2, 1715, 1717, 1719, 1720, 1720.1, 1725, 1726, 1728, 1732, 1732.05, 1732.1, 1732.2, 1732.3, 1732.4, 1732.5, 1732.6, 1732.7, 1745, 1749 REPEAL: 1727, 1750
09/06/05 ADOPT: 1659.30(a)(b)(c), 1659.31(a)(b), 1659.32(a)(b), 1659.33, 1659.34(a)(b)(c), 1659.35
09/06/05 ADOPT: 1070.4
08/29/05 AMEND: 404.1, 404.2
08/25/05 AMEND: 1399.15
08/25/05 AMEND: 473
08/16/05 ADOPT: 4200, 4202, 4204, 4206, 4208, 4210, 4212, 4214, 4216, 4218, 4220, 4222, 4224, 4226, 4228, 4230, 4232, 4234, 4236, 4240, 4242, 4244, 4246, 4248, 4250, 4252, 4254, 4256, 4258, 4260, 4262, 4264, 4266, 4268
07/28/05 AMEND: 1387, 1387.1, 1387.2, 1387.3, 1387.5, 1387.6, 1390, 1390.3, 1391
07/27/05 AMEND: 2085.2
07/26/05 AMEND: 418

07/22/05 AMEND: 1888
07/22/05 AMEND: 109, 116, 117
07/21/05 ADOPT: 1070.5
07/18/05 ADOPT: 1399.327, 1399.350.5, 1399.352.7, 1399.372.5
07/12/05 AMEND: 1397.51
07/06/05 ADOPT: 1922.3, 1993.1 AMEND: 1950.5, 1951, 1953
07/05/05 ADOPT: 1399.454 AMEND: 1399.450, 1399.451
07/05/05 ADOPT: 1398.26.1
06/22/05 AMEND: 1041
05/31/05 AMEND: 4154
05/12/05 AMEND: 1491
05/10/05 ADOPT: 2293, 2294
04/28/05 ADOPT: 1070.3
04/25/05 AMEND: 1805.1, 1807, 1807.2, 1811, 1816, 1816.1, 1816.4, 1833, 1833.1, 1833.2, 1846, 1846.1, 1850.7, 1874, 1886, 1887.4, 1887.9, 1889, 1889.1, 1889.2, 1889.3
04/21/05 AMEND: 1398.38
04/21/05 AMEND: 1399.155
04/14/05 AMEND: 1398.30
04/14/05 AMEND: 54.1, 54.2
04/14/05 AMEND: 1071, 1083

Title 17

09/07/05 REPEAL: 1411.1, 1420.1, 1420.2, 1420.3, 1420.4, 1420.5, 1422.3, 1498, 1498.1, 1498.2, 1498.3, 1498.4, 1498.5, 1498.6, 1498.7, 1498.8, 1498.9
08/31/05 ADOPT: 93102.5
08/18/05 AMEND: 94006
08/01/05 ADOPT: 58800, 58810, 58811, 58812, 58820, 58821, 58822, 58830, 58831, 58832, 58833, 58834, 58840, 58841, 58842, 58850, 58851, 58860, 58861, 58862, 58863, 58864, 58870, 58871, 58872, 58873, 58874, 58875, 58876, 58879, 58880, 58881, 58882 AMEND: 54302,
07/22/05 ADOPT: 50243, 50245, 50247, 50249, 50251, 50253, 50255, 50257, 50259, 50261, 50262, 50263, 50265, 50267
07/11/05 AMEND: 54319
06/30/05 AMEND: 2500, 2502, 2505
06/23/05 AMEND: 60201, 60202, 60205, 60210
06/22/05 ADOPT: 30194.1, 30194.2 AMEND: 30100, 30145, 30145.1, 30225, 30230, 30231, 30408, 30535 REPEAL: 30232
06/20/05 AMEND: 94501, 94506, 94507, 94508, 94509, 94510, 94512, 94513, 94515, 94526, & Test Method
05/18/05 AMEND: 50604, 50605, 54310, 54320, 54326, 54332, 54335

05/12/05 ADOPT: 1029.117, 1029.134, 1031.8, 1031.9, 1032.5, 1035.3, 1035.4

05/02/05 ADOPT: 50243, 50245, 50247, 50249, 50251, 50253, 50255, 50257, 50259, 50261, 50262, 50263, 50265, 50267

04/26/05 AMEND: 3030

Title 18

07/08/05 ADOPT: 4056.1

06/07/05 ADOPT: 1160, 1214, 1331.2, 1425, 2257, 2333, 2425, 2520, 3005, 3303, 3503, 4031.1, 4905

05/05/05 AMEND: 18522, 18526, 18523, 18530

05/04/05 AMEND: 6001

04/29/05 ADOPT: 4056.1

Title 19

05/26/05 AMEND: 3.11

Title 20

07/26/05 AMEND: 1340, 1341, 1342, 1343, 1344

Title 21

06/03/05 ADOPT: 4059, 4060, 4062.1, 4066, 4067, 4069, 4072.1 AMEND: 4050, 4052, 4055, 4056, 4057, 4058, 4061, 4062, 4063, 4064, 4070, 4071, 4072, 4073 REPEAL: 4065

Title 22

09/02/05 AMEND: 4418 REPEAL: 4419, 4442.1, 4444

08/24/05 AMEND: 51510, 51510.1, 51511, 51511.5, 51511.6, 51535, 51535.1, 51544, 54501

08/12/05 AMEND: 12705

08/12/05 AMEND: 12805

08/11/05 AMEND: 97212,, 97232, and 97241.

08/10/05 ADOPT: 97800, 97810, 97820, 97830, 97840, 97850, 97860, 97870, 97880, 97890

07/11/05 AMEND: 70217

07/06/05 ADOPT: 72516, 73518

06/30/05 AMEND: 90417

06/02/05 ADOPT: 51000.10.1, 51000.15.1, 51000.20.9, 51000.31, 51000.51, 51000.52, 51000.53, 51000.60 AMEND: 51000.1, 51000.1.1, 51000.3, 51000.4, 51000.6, 51000.7, 51000.16, 51000.30, 51000.35, 51000.40, 51000.45, 51000.50, 51000.55, 51051, 51451

05/17/05 AMEND: 66250.1, 66250.2

05/05/05 ADOPT: 97251, 97252, 97253, 97254, 97255, 97256, 97257, 97258, 97259, 97260, 97261, 97262, 97263, 97264, 97265 AMEND: 97210, 97211, 97212,

97213, 97215, 97216, 97218, 97219, 97220, 97221, 97222, 97223, 97224, 97225, 97226, 97227, 97228, 97229, 97230,

04/21/05 AMEND: Appendix

Title 22, MPP

08/05/05 ADOPT: 40-036 AMEND: 22-071, 22-072, 22-305, 40-103, 40-105, 40-107, 40-119, 40-125, 40-131, 40-173, 40-181, 40-188, 40-190, 41-405, 42-209, 42-213, 42-221, 42-302, 42-406, 42-407, 42-716, 42-721, 42-751, 42-769, 44-101, 44-102, 44-111, 44-113, 44-115,

06/29/05 AMEND: 63.103.2, 63-300.5, 63-402.229, 63-503.441, 63-509(b), 63-509(c), 63-801.737(QR)

06/15/05 AMEND: 80027, 80036, 87224, 87228, 87834, 87836, 101178, 101187, 102384

05/09/05 AMEND: 80044, 80045, 80066, 80070, 84063, 87344, 87345, 87566, 87570, 87571, 87725, 87725.12, 87844, 87866, 87870, 88069.7, 88070, 89119, 89182, 89244, 89245, 89370, 89566, 101200, 101201, 101217, 101221, 102391, 102392

Title 23

08/19/05 AMEND: 2611

08/18/05 ADOPT: 3906

07/25/05 ADOPT: 3298

07/22/05 ADOPT: 3979

07/13/05 ADOPT: 3420, 3421, 3422, 3423, 3424, 3425, 3426, 3427, 3428

06/20/05 ADOPT: 499.4.1.1, 499.4.1.2, 499.4.2, 499.6.3 AMEND: 499.1, 499.2, 499.3, 499.4, 499.4.1, 499.5, 499.6, 499.6.1, 499.7, 499.8 REPEAL: 499.6.2

06/13/05 ADOPT: 18459.1.2, Form CIWMB 203, Form 204 AMEND: 18449, 18450, 18451, 18453.2, 18456, 18456.2.1, 18457, 18459, 18459.1, 18459.2.1, 18459.3, 18460.1, 18460.1.1, 18460.2, 18460.2.1, 18461, 18462, 18463, 18464, 18466, Penalty Table 1, Penalty Table 2

05/31/05 ADOPT: 2917

05/23/05 ADOPT: 3939.14

05/17/05 AMEND: 645

Title 25

08/12/05 AMEND: 8204, 8210, 8211, 8212, 8212.1, 8213, 8217

07/22/05 ADOPT: 1019, 1105, 1276, 2105, 2276

07/11/05 AMEND: 8002, 8004, 8012, 8014

07/07/05 ADOPT: 8439, 8439.1, 8439.2, 8439.3, 8439.4, 8440, 8440.1, 8440.2, 8440.3, 8441, 8441.1, 8441.2, 8441.3, 8441.4, 8441.5, 8442, 8442.1, 8442.2, 8442.3,

8442.4, 8442.5, 8442.6, 8442.7, 8442.8,
8442.9, 8442.10, 8442.11, 8443, 8443.1,
8443.2, 8443.3, 8443.4,

04/25/05 AMEND: 7056, 7060, 7062.1, 7064,
7066, 7078.4

04/14/05 ADOPT: 7340, 7341, 7342, 7343, 7344,
7345, 7346, 7347

Title 28

08/22/05 ADOPT: 1300.67.1.3

08/10/05 ADOPT: 1300.75.4.2, 1300.75.4.4,
1300.75.4.7, 1300.75.4.8 AMEND:
1300.75.4, 1300.75.4.5

07/25/05 AMEND: 1300.74.30

06/17/05 AMEND: 1300.70.4

Title MPP

08/12/05 AMEND: 42-101

08/05/05 ADOPT: 63-508, 63-509 AMEND: 63-
034, 63-102, 63-103, 63-300, 63-301,
63-410, 63-501, 63-503, 63-504, 63-505,
63-801, 63-804

08/01/05 AMEND: 11-400, 11-102, 11-403, 11-406

04/22/05 AMEND: 42-101

